

Bulletin

Pennsylvania Department of Agriculture

Harrisburg, Pa.

Vol. 22.

December-January, 1938-1939.

No. 1.

GENERAL BULLETIN 560

Pennsylvania Food Laws

BUREAU OF FOODS AND CHEMISTRY

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Director



J. HANSELL FRENCH, *Secretary of Agriculture*

Published bi-monthly by direction of the Secretary. Entered as second class matter, March 22, 1918, at the Post Office at Harrisburg, Pa., under the Act of June 6, 1900.

PENNSYLVANIA FOOD LAWS

FOREWORD

This bulletin includes a compilation of the general and special food laws, as amended, by the 1937 session of the General Assembly, and which are assigned to the Bureau of Foods and Chemistry for enforcement. There is also included herein, the amended Advertising Law, which is also enforced by this Bureau, when such violations pertain to food products.

In some instances the grade of the offenses in the amendments to the existing Food Laws has been changed from misdemeanors to summary convictions, thereby facilitating more efficient enforcement of these all important laws, which are designed to safeguard the health and safety of the public.

Under the provisions of the Administrative Code all Food Laws which were assigned to bureaus, directors or commissioners to enforce were transferred to the Department of Agriculture. Therefore, in those laws in which the words "Dairy and Food Commissioner" and "Director of Bureau of Foods" appear, they should be read as "Department of Agriculture." In the case of those acts where certain fines and fees are shown to be paid to the Department for enforcement purposes, they should also be read as requiring the moneys to be transmitted to the Department of Revenue for payment to the State Treasurer in order to be in harmony with the requirements of the Administrative Code.

ELMER E. HARTER, Jr., *Director*
Bureau of Foods and Chemistry



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GENERAL FOOD LAW

Act of May 13, 1909, P. L. 520, as amended by the Act of April 26, 1923, P. L. 88, the Act of May 22, 1933, P. L. 899 and the Act of June 1, 1937, No. 291, P. L. 1127.

AN ACT

Relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof; and providing for injunctions against the sale of food in certain cases; and changing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, copartnership, limited partnership, joint-stock company, or corporate body, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employes, to manufacture, sell, offer for sale, expose for sale, or have in possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this Act.

The possession of any adulterated or misbranded article of food shall be deemed prima facie evidence of an intent to sell such article of food.

Section 2. That the term "Food," as used in this act, shall include not only every article used for food by man, but also every article used for, or entering into the composition of, or intended for use as an ingredient in the preparation of, food for man.

That the term "Person," as used in this act, shall include individuals, firms, copartnerships, limited partnerships, joint-stock companies, and bodies corporate, as well as all officers, agents, servants, employes, or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

Section 3. (a) That for the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance has been mixed or packed with it, so as to reduce or lower or injuriously affect its quality, strength, or purity.

Second. If any substance has been substituted, wholly or in part, for the article.

Third. If any valuable constituent of the article has been, wholly or in part, abstracted.

Fourth. If it be mixed, colored, or changed in color, coated, polished, powdered, stained, or bleached, whereby damage or inferiority is concealed, or so as to deceive or mislead the purchaser; or if by any means, it is made to appear better or of greater value than it is.

Fifth. If it contains any added sulphurous acid, sulphur dioxide, or sulphites, benzoic acid, or benzoates, or other preservatives, except as hereafter provided, or if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid

or fluorides, fluoborates, fluosilicates, or other fluorine compounds, saccharin, or other artificial sweetening agents, except as hereafter provided, metallic salts, betanaphthol, hydronaphthol, abradol, asapol, pyroligeneous acid, or other ingredients deleterious to health; or if, in the case of confectionery, it contains any of the substances mentioned in this paragraph, or any mineral substance, or injurious color or flavor, alcoholic liquor, or any other ingredients, not herein mentioned, deleterious to health: Providing, That this act shall not be construed to prohibit the use of harmless colors of any kind, in confectionery or in fruits used in fruit cake, when used for coloring, and not for any fraudulent purpose: And provided further, That nothing in this act shall be construed to prohibit the use of common salt, sugar, pure corn syrup, pure glucose, wine vinegar, cider vinegar, malt vinegar, sugar vinegar, glucose vinegar, distilled vinegar, spices or their essential oils, alcohol (except in confectionery), edible oil, edible fats, wood smoke applied directly as generated, or proper refrigeration: And provided further, That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only, and as a solvent for glazes, and that oil of sweet birch, or methylsalicylic ester, may be used as a substitute for oil of wintergreen as a flavor: And provided further, That in the preparation of dried fruits and molasses, sulphur dioxide, either free or in simple combination, may be used in the proportion of not in excess of twenty-five hundred (2500) parts a million, and that when any dried fruits and molasses are used in any foods or food products or contain as a part of or as an ingredient in any food, the sulphur dioxide in such dried fruits and molasses shall not exceed the proportion of fifty (50) parts a million; and that sodium benzoate may be used in the preparation of those articles of food in which it has heretofore been generally used in quantities not exceeding one-tenth (1-10) of one per centum, or benzoic acid equivalent thereto: And provided further, That when any quantity of sulphur dioxide or sodium benzoate is used in any article of food, the fact that sulphur dioxide or sodium benzoate has been used in the preparation thereof shall be plainly stated on each package of such food: And provided further, That any article of food containing saccharin or any artificial sweetening agent may be manufactured, transported or sold if it contains no added sugar, honey or other natural sweetening agent, and the name of the artificial sweetening agent followed by the word "sweetened" is placed upon the label each time the name of the article of food is mentioned, in type no smaller than the largest type on said label. Said label shall also contain such appropriate warning statement as shall be prescribed by the Department of Agriculture.

Sixth. If it consists of, or is manufactured in whole or in part from, a diseased, contaminated, filthy, or decomposed substance, either animal or vegetable; or an animal or vegetable substance produced, stored, transported, exposed, or kept in a way or manner that might tend to render the article diseased, contaminated, or unwholesome; or if it is any part of the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter.

(b) It shall be unlawful for any person manufacturing articles of food or selling articles of food, whether at wholesale or retail, to

have in his possession or to transport any article of food which is adulterated, unless the same has been completely denatured and rendered unfit for food by kerosene or other suitable denaturant prescribed by the Department of Agriculture.

Section 4. That for the purpose of this act, an article shall be deemed misbranded:

First. If it be an imitation of, or offered for sale under, the name of another article.

Second. If it be labeled or branded so that it may deceive or mislead the purchaser, or purport to be a foreign product, when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Third. If the package containing it, or its label, shall bear any statement, design, or device, regarding the substances or ingredients contained therein, which statement, design, or device shall be false or misleading in any particular.

Fourth. If it be a mixture or compound which may be known, or from time to time hereafter known, as an article of food, unless it be accompanied on the label or brand with a statement that it is a mixture or compound and a statement of the substance entering into said mixture or compound. All labeling of packages required by this act shall be on the main label of each package, and in type not less than eight point, brevier caps, in size—unless the size of the package will not permit the use of eight point cap type, in which case the size of the type may be reduced proportionately—and in such position and terms as may be plainly seen and read by the purchaser: Provided, That nothing in this act shall be construed as requiring or compelling the proprietors, manufacturers, or sellers of proprietary foods to disclose their trade formulas, except in so far as may be necessary under the provisions of this act to avoid adulteration, imitation, or misbranding.

Fifth. If the package or container containing the article of food or the label thereon shall not bear the name and address of the manufacturer or packer of the contents thereof, or the name and address of the wholesale dealer or distributor, preceded by the words “manufactured by” or “packed by,” or “distributed by” or “packed for,” as the case may be, or followed by the word “manufacturer” or “packer,” or “wholesale dealer” or “distributor,” as the case may be.

Sixth. When the package or container containing the article of food or the label thereon shall not bear the name and address of the manufacturer or packer of the contents thereof preceded by the words “manufactured by” or “packed by,” or followed by the word “manufacturer” or “packer,” as the case may be, unless the wholesale dealer or distributor in such cases shall keep true and correct records of the name and address of the manufacturer or packer of the contents thereof, which records shall be open at all reasonable times to inspection by the Department of Agriculture or its agents. Such records shall be kept by the wholesale dealer or distributor for a period of five years from the date of the sale of said articles of food by said wholesale dealer or distributor.

Seventh. When the package or container shall not bear the name and address of the manufacturer or packer of the contents thereof, preceded by the words "manufactured by" or "packed by," or followed by the word "manufacturer" or "packer," as the case may be, unless such package or container shall bear a code marking, identifying to the wholesale dealer or distributor the name and address of the manufacturer or packer of the contents thereof. Such information shall be kept as part of the records of the wholesale dealer or distributor for a period of five years from the date of the sale of said articles of food by said wholesale dealer or distributor, and such records shall be open at all reasonable times to inspection by the Department of Agriculture or its agents.

Section 5. When the Department of Agriculture, or its agent, shall obtain an article of food, or a sample or portion thereof, from any person, for the purpose of determining whether the same is adulterated or misbranded within the meaning of this act, and it shall be found that the said article of food is adulterated or misbranded within the meaning of this act, then the Department of Agriculture shall proceed against the said person, from whose store, warehouse, or other place of business said article, sample, or portion thereof, shall have been obtained, for a violation of the provisions of this act.

But no prosecution shall be sustained, under the provisions of this act, against a retail dealer for the selling, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded article of food, as defined herein, if the retail dealer from whom the said article of food, sample, or portion thereof, was obtained by the Department of Agriculture or its agent, can establish a guaranty, signed by the manufacturer or wholesale dealer, or jobber or distributor, residing in the United States, from whom such articles of food was purchased or procured, to the effect that the same is not adulterated or misbranded within the meaning of this act designating it, unless such article of food shall have been adulterated or misbranded while in the possession of such retail dealer.

Said guaranty to afford protection shall contain the name and address of the manufacturer or wholesale dealer, or jobber or distributor, making the sale of such article of food to such retailer, and in such case the said manufacturer or wholesale dealer, or jobber or distributor, so as aforesaid giving such guaranty, shall be amenable to the prosecution, fines and other penalties which would attach, in due course, to the retailer holding such guaranty under the provisions of this Act, for a violation hereof; and every manufacturer or wholesale dealer, or jobber or distributor, giving a guaranty under the provisions of this act shall be held responsible, and shall be proceeded against for the adulteration or misbranding of any article of food sold under said guaranty, and shall be subject to the penalties for the violation of the provisions of this act. No such guaranty shall operate as a defense to prosecution for a violation of the provisions of this act, if the retailer holding such guaranty shall continue to sell the same article of food after written or printed notice from the Department of Agriculture, or its agent, that such article is adulterated or misbranded within the meaning of this act.

But if said person shall violate the provisions of paragraph six, section three of this act, by having stored, transported, exposed or

kept said article, in said paragraph mentioned, in a way or manner to render it diseased, contaminated, or unwholesome, said person shall be proceeded against for a violation of the provisions of this act; and it shall not be necessary for conviction that any article, sample, or portion thereof, shall be obtained by the Department of Agriculture, or its agent, as a condition precedent to prosecution.

Section 6. For the purpose of this act, an article shall be deemed to be the same article.

First. When it shall be of the same brand, or have thereon the same label, and shall be adulterated or misbranded in the same way.

Second. When it is not labeled or branded, but is sold, offered for sale, or exposed for sale under the same name, and adulterated or misbranded in the same way.

Third. When, although sold, offered for sale, or exposed for sale under another name, or labeled or branded in a different way, it shall be found to be the product of the same manufacturer, grower, or maker, and to be adulterated or misbranded in the same way: Provided, however, That an article shall be deemed to be adulterated in the same way if it shall contain the same adulterant substance or substances.

Section 7. Any person who shall violate any of the provisions of this act or any rule, regulation or order made pursuant to this act, shall, for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than sixty dollars nor more than one hundred dollars and costs of prosecution, and, in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for not more than thirty days, and for a third or subsequent offense, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars, or to undergo imprisonment not exceeding one year, or both, in the discretion of the court.

Section 7A. The Attorney General, at the request of the Department of Agriculture, may, in the name of the Commonwealth, institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining any person, violating any of the provisions of this act, from selling articles of food in this Commonwealth, and for such purpose, jurisdiction is hereby conferred upon said court. In such cases the Attorney General shall not be required to give bond.

Section 8. The Department of Agriculture of the State shall be charged with the enforcement of the provisions of this act, and shall make rules and regulations for the proper enforcement thereof, including rules and regulations setting up definitions and standards of articles of food, and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same.

Section 9. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the

State Treasury, through the Department of Revenue, and credited to the General Fund.

Section 10. The following acts of Assembly: namely,—An act, entitled “An act to provide against the adulteration of food, and providing for the enforcement thereof,” approved the twenty-sixth day of June, Anno Domini one thousand eight hundred and ninety-five:

And an act, entitled “An act for the protection of public health, by prohibiting the manufacture and sale, offering for sale, or having in possession with intent to sell, within the State, of adulterated, misbranded, poisonous, or deleterious foods and confections; regulating the enforcement of the provisions hereof; providing for the protection of persons buying and selling adulterated or misbranded foods and confections under a guaranty; and providing penalties for the violation thereof,” approved the first day of June, Anno Domini one thousand nine hundred and seven,—be, and the same are hereby repealed.

Provided, nevertheless, That this act shall not apply to, nor in any way affect,—

An act entitled “An act to prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same,” approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-seven:

And the amendment thereto, approved the nineteenth day of April, Anno Domini one thousand nine hundred and one, entitled “An act to amend the first section of an act, entitled ‘An act to prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same,’ ” approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-seven;

Nor the act, entitled “An act to prohibit the manufacture and sale of oleomargarine, butterine, and other similar products, when colored in imitation of yellow butter; to provide for license fees to be paid by manufacturers, wholesale and retail dealers, and by proprietors of hotels, restaurants, dining-rooms and boarding-houses, for the manufacture and sale of oleomargarine, butterine, or other similar products, not colored in imitation of yellow butter; and to regulate the manufacture and sale of oleomargarine, butterine, or other similar products, not colored in imitation of yellow butter, and prevent and punish fraud and deception in such manufacture and sale as an imitation butter; and to prescribe penalties and punishment for violations of this act, and the means and the methods of procedure for its enforcement, and regulate certain matters of evidence in such procedure,” approved the twenty-ninth day of May, Anno Domini one thousand nine hundred and one;

Nor the act, entitled “An act defining boiled or process butter; designating the name by which it shall be known; providing for the licensing of manufacturers and dealers therein, and regulating the sale and labeling of the same so as to prevent fraud and deception in its sale; providing punishment for violations of this act, the methods of procedure for its enforcement, and certain matters of evidence in such procedure,” approved the tenth day of July, Anno Domini one thousand nine hundred and one;

Nor the act, entitled "An act to prohibit the selling, shipping, consigning, offering for sale, exposing for sale, or having in possession with intent to sell, as fresh, any meat, poultry, game, fish or shell-fish which contains any substance or article possessing a preservative or coloring character, or action; making the same a misdemeanor, and to prescribe penalties and punishment for violations, and the means and the methods of procedure for the enforcement thereof," approved the twenty-eighth day of March, Anno Domini one thousand nine hundred and five;

Nor the act, entitled "An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars; prescribing their standard to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same," approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-seven;

Nor the amendment thereto approved the twenty-first day of May, Anno Domini one thousand nine hundred and one, entitled "An act to amend the first and second sections of an act, entitled 'An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars; prescribing their standard to prevent the adulteration of the same; providing for the enforcement thereof, and the punishment for the violation of the same,' approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-seven, so as to provide that vinegar made wholly from grapes, apples, or other fruits shall not be required to contain an acidity of four per centum;"

Nor the act, entitled "An act to prevent fraud and deception in the manufacture and sale of cheese, and defining what shall constitute the various grades of cheese; provide rules and regulations for marking and branding the same; providing for the enforcement of this act; prescribing penalties for its violation," approved the twenty-third day of June, Anno Domini one thousand eight hundred and ninety-seven;

And the amendment thereto, approved the second day of May, Anno Domini one thousand nine hundred and one, entitled "An act to amend section two of an act, entitled 'An act to prevent fraud and deception in the manufacture and sale of cheese, and defining what shall constitute the various grades of cheese; providing rules and regulations for marking and branding the same; providing for the enforcement of this act; prescribing penalties for its violation,' approved the twenty-third day of June, Anno Domini one thousand eight hundred and ninety-seven;"

Nor the act, entitled "An act regulating the manufacture or sale of fruit syrups; providing for the enforcement thereof; and to repeal an act, entitled 'An act relative to adulteration of natural fruit juice, and providing penalties for violations thereof,' approved the second day of May, Anno Domini one thousand nine hundred and one," approved the twenty-sixth day of April, Anno Domini one thousand nine hundred and five:—

All of which acts shall remain in full force.

APPROVED—The 1st day of June, A. D. 1937.

ADVERTISING LAW

Act of March 20, 1913, P. L. 6, as amended July 1, 1937, No. 534, P. L. 2675

AN ACT

To prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof by including display or placard advertising; and changing the penalties prescribed; and the manner of providing violations.

Section 1. Be it enacted, &c., That whoever, in a newspaper, periodical, circular, form, letter, or other publication, published, distributed, or circulated, in this Commonwealth, in any advertisement in this Commonwealth, or by any display, or placard advertising in this Commonwealth, knowingly makes or disseminates, or causes to be made or disseminated, any statement or assertion concerning the quantity, the quality, the value, the merit, the use, the present or former price, the cost, the reason for the price, or the motive or purpose of a sale, of any merchandise, securities, or services; or concerning the method or cost of production or manufacture of such merchandise; or the possession of rewards, prizes, or distinctions conferred on account of such merchandise; or the manner or source of purchase of such merchandise or securities,—which is untrue or calculated to mislead, shall for the first or second offense upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not more than two hundred dollars (\$200) and costs of prosecution and in default of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for not more than thirty days, and for a third or subsequent offense, shall be guilty of a misdemeanor, and on conviction, be sentenced, to pay a fine of not more than one thousand dollars (\$1000) or, by imprisonment in the county jail not exceeding sixty days, or, by both such fine and imprisonment, Provided however, that the provisions of this act shall not apply to any owner, publisher, printer, agent or employee of a newspaper, or other publication, or periodical, who, in good faith, and without knowledge of any false, deceptive, or misleading statements or assertions, publishes, causes to be published, or takes part in the publication of such advertising or advertisements.

APPROVED—The 1st day of July, A. D. 1937.

BAKERY LAW

Act of May 22, 1933, P. L. 912, as amended by the Act of July 1, 1937, No. 535, P. L. 2676.

AN ACT

To protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries, and premises, stores, and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties; further regulating bakeries and the importation of bakery products; providing for injunctions in certain cases and changing the penalties prescribed.

Section 1. Be it enacted, &c., That—Definitions.—The following words and terms, as used in this act, shall be construed as follows:

“Bakery” means and includes all buildings, and parts of buildings, cellars and basements, used for the manufacture and handling of bakery products intended for sale, and for the mixing and other preparation of ingredients and materials entering into the manufacture of bakery products.

“Bakery products” means and includes bread, rolls, cakes, cookies, crackers, ice cream cones, crullers, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, alimentary pastes, pretzels, potato chips, and all other products whatever manufactured in a bakery and intended for human consumption, as well as the ingredients and materials entering into their manufacture.

“Person” means an individual, copartnership, association, and corporation.

“Department” means the Department of Agriculture of the Commonwealth of Pennsylvania.

Section 2. Cleanliness and Sanitation Required.—It is unlawful for any person to manufacture bakery products in an unclean or insanitary bakery or under unclean or insanitary conditions, or to use unclean or insanitary fixtures, furnishings, machinery, apparatus, equipment, implements, utensils and receptacles, or unclean, insanitary or unwholesome ingredients or materials in a bakery, or to sell, expose, or offer for sale bakery products in an unclean or insanitary store or shop connected with a bakery.

Every bakery, and every store or shop connected with a bakery, shall be maintained and operated with strict regard for the purity and wholesomeness of the bakery products manufactured, produced, sold, or offered for sale therein or therefrom, and in accordance with the following requirements:

(a) Bakery products shall not at any time be wrapped in anything except clean unused wrappers.

(b) Bakery products shall not be touched or handled by prospective purchasers until purchased.

(c) All vehicles, boxes, baskets, and other receptacles, in which bakery products are contained, deposited, received or stored, shall, at all times, be kept clean, covered, ventilated, and screened or otherwise protected.

(d) No person who is afflicted with a communicable disease or skin affliction shall be employed or permitted to work in a bakery. Each employe shall be examined at least once every six months by a duly licensed physician, and the certificate of the physician, showing freedom from disease or affliction, shall be kept on file in the bakery.

Section 3. Annual License and License Fee.—It shall be the duty of every person, whether a resident or nonresident of this Commonwealth, operating a bakery, to apply to the Department of Agriculture for a license to do so, and to register with the department all bakery products baked, prepared, manufactured or compounded in such bakeries, before the first day of January, one thousand nine hundred thirty-four, and annually thereafter before the first day of January of each succeeding year, and pay to the Department of Agriculture, at the time said application for registration and license is filed, an annual fee as follows:

For bakeries using less than one hundred barrels of flour per week, five dollars (\$5.00); for bakeries using one hundred barrels and less than two hundred barrels of flour per week, ten dollars (\$10.00); and bakeries using two hundred barrels or more per week, twenty dollars (\$20.00): Provided, however, That any person operating a bakery in Pennsylvania who does not use more than fifty pounds of flour, flour substitute, flour mixture, or potatoes a week in the preparation of bakery products shall not be required to register such bakery products, pay a license fee, or obtain a license.

The application for a license and registration shall be made on a form to be supplied by the department, and shall show trade names of all products and principal address of bakery. The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct.

From and after the first day of January, one thousand nine hundred and thirty-four, it shall be unlawful for any person to operate a bakery for the manufacture of bakery products unless said bakery is duly licensed in accordance with the provisions of this act.

Upon approval of application for registration and license and payment of required license fee, and also upon approval of sanitary conditions in a bakery and every store or shop connected therewith, the Department of Agriculture shall issue to each applicant a license or certificate of registration, which shall expire at the end of each calendar year, and which will authorize the operation of said bakery and the baking, compounding, manufacturing, and sale of said bakery products for the calendar year, or portion thereof, for which a license or certificate of registration shall be issued.

All wrappers of any kind whatsoever in which bakery products shall be wrapped, shall be printed or marked in a clear and legible manner with the trade name or kind of bakery product which it purports to be and with the name of the bakery manufacturing such bakery product, or with the name and address of the distributor or wholesale dealer, distributing such bakery product, preceded by the words "distributed by," or followed by the word "distributor," as the case may be, Provided, That when transparent wrappers are employed such printed or legible statement may be inserted in a conspicuous position between such transparent wrapper and the top of the loaf, or other bakery product, or by printed band or wrapper around the top of the loaf or other bakery product.

Section 4. Inspections, Suspension and Revocation of Licenses; Appeals.—The department, through its duly authorized officers, inspectors, agents and other assistants, shall be permitted at all reasonable times to inspect any bakery, or part thereof, the premises connected therewith, and the operation of such bakery. Any person refusing or interfering with such inspection shall be guilty of a violation of this act.

If, as the result of any inspection, it shall appear that any bakery, or part thereof, or premises connected therewith, is being maintained or operated in violation of any of the provisions of this act, or the rules and regulations of the department adopted pursuant thereto, the department shall cause written notice thereof to be served upon the person operating said bakery, together with an order commanding

an abatement of such violation and a compliance with this act and the rules and regulations of the department within a reasonable period of time stated in the notice. If the instructions set out in the notice are not complied with within the time therein stated, the department shall suspend or revoke the license issued to the bakery, and such license shall not be reinstated until the order of the department is complied with.

Any person aggrieved by the department in suspending or revoking any license may appeal from the action of the department to the court of common pleas of Dauphin County, but such appeal shall not operate as a supersedeas to the order of the department. The court shall fix a day for hearing the appeal, of which due notice shall be given to the department. After hearing the appeal de novo, the court shall affirm, modify, or reverse the action of the department as to it seems just and proper. The action of the court shall be final.

Section 5. Rules and Regulations.—The Department of Agriculture shall make, adopt, and promulgate rules and regulations for the purpose of carrying into effect the provisions of this act, and of fixing and defining the standards for the maintenance and operation of bakeries in accordance with the requirements of this act.

Section 6. Sale and Importation of Bakery Products. It shall be unlawful for any person,

(a) To sell, offer for sale, or have in his possession with intent to sell, a bakery product which is not registered with the department as provided in this act. Possession of any bakery product shall be deemed prima facie evidence of an intent to sell such bakery product.

(b) To import into this Commonwealth for sale within this Commonwealth, any bakery products manufactured in a bakery in another state that is not licensed according to the laws of this Commonwealth.

Section 7. Injunctions. The Attorney General at the request of the department may, in the name of the Commonwealth, institute proceedings in the Court of Common Pleas of Dauphin County for the purpose of enjoining the sale of any bakery products in this Commonwealth contrary to the provisions of this act, and for such purpose, jurisdiction is hereby conferred upon said court. In such case, the Attorney General shall not be required to give bond.

Section 8. Penalty. Any person who violates any of the provisions of this act or any of the rules and regulations of the department adopted under the authority of this act, shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), and costs of prosecution, and in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for not less than thirty days nor more than sixty days and, for a third or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1000.00), or to undergo imprisonment not exceeding one year or both in the discretion of the court.

All fines imposed and recovered for any violation of the provisions of this act shall be paid to the department, and all such fines and penalties, together with the license fees paid under the provisions of this act, shall be paid into the State Treasury through the Department of Revenue into the General Fund.

Section 9. **Effective Date.** This act shall become effective on the first day of August, one thousand nine hundred and thirty-seven.

Section 10. **Repeals.** The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws seven hundred eighty-eight) entitled "An act to protect the health of the persons employed in bakeries requiring the ventilation, drainage, sanitation, and purity of bakeries, the cleanliness of persons employed therein, and of all bakery products, tools, implements, ingredients, and other things used in connection with their manufacture, delivery, and sale; by regulating and, in certain cases, restricting the use of such bakeries; by regulating the manufacture, sale, and delivery of such products; by requiring all persons employed or permitted to work therein to be certified as free from certain diseases and skin affections; by prohibiting the presence of all animals; by requiring a certificate of compliance and regulating the issuance of same; by providing for the enforcement of this act and providing penalties for violations hereof" and its amendments are hereby repealed.

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 1st day of July, A. D. 1937.

BUTTER LAW

Act of April 13, 1921, P. L. 129, as amended by Act No. 145, approved May 7, 1937,
P. L. 568.

AN ACT

Providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell, of adulterated or deleterious butter; defining butter; and prescribing the penalty for the violation thereof, further defining butter and the adulteration of butter; conferring powers on the Department of Agriculture and the courts of quarter sessions; and providing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employes, to manufacture, sell, offer for sale, expose for sale, or have in possession with intent to sell, butter which is adulterated within the meaning of this act.

Section 2. Butter, for the purposes of this act, shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt and with or without additional coloring matter, and which shall contain not less than eighty (80) per centum by weight of milk fat, all tolerances having been allowed for.

Section 3. Butter shall be deemed to be adulterated within the meaning of this act:

First. If it contains less than eighty (80) per centum by weight of milk fat, all tolerances having been allowed for.

Second. If it contains any foreign fat, starchy matter, added flavor, except such flavor as is naturally developed during the manufacture of butter by ageing or ripening the milk or cream from which it is churned with or without culture, or any substance which affects its quality or purity, and if it fails to conform to the standards of the definition for butter set forth in section two hereof.

Third. If it be rancid, mouldy or decomposed so as to make it unfit for human consumption.

Fourth. If it be made in whole or part from any filthy, putrid or decomposed milk or cream, that has been contaminated by filth.

Fifth. If it contains artificial coloring matter used to conceal damage or inferiority.

Section 4. That any persons who shall violate any of the foregoing provisions of this act shall, upon conviction thereof in a summary proceeding, be sentenced for a first offense to pay a fine of one hundred (\$100) dollars and the costs of prosecution, or in default of the payment of such fine and costs, to undergo an imprisonment of not more than thirty (30) days; for a second offense shall be sentenced to pay a fine of not less than two hundred (\$200) dollars nor more than three hundred (\$300) dollars and the costs of prosecution, or to undergo an imprisonment of not more than thirty (30) days, or both or either and for a third or subsequent offense shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars, or to undergo imprisonment for a term not exceeding sixty (60) days, or both or either, in the discretion of the court: Provided, That in any case where the violation consists in the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, butter containing less than eighty (80) percentum by weight of milk fat, and such butter actually contains seventy-nine and five-tenths (79.5) per centum or more by weight of milk fat, the person convicted shall be sentenced to pay a fine not exceeding twenty-five (\$25) dollars only for each such offense.

Section 5. That the Department of Agriculture shall be charged with the enforcement of the provisions of this act. The department shall have power to make, adopt, promulgate and enforce rules and regulations for the purpose of carrying into effect the provisions of this act. The department by its agents shall have full access, egress and ingress to all places of business, factories, farm buildings, cars, and vehicles used in the manufacture, transportation, and sale of butter.

When any agent of the department shall find any butter which is adulterated, the department shall petition the court of quarter sessions of the county, in which such butter was found, for an order permitting it to seize such butter, and to direct its re-churning, destruction, or such other disposition thereof as the court shall deter-

mine. Such petition shall be returnable in ten days, or such other time as the court shall allow. The hearing on such petition shall be given precedence over all other matters and hearings before the court. Until such petition is disposed of, it shall be unlawful for any person to dispose of the butter involved in such petition in any manner whatsoever. The courts of quarter sessions are hereby empowered in all proper cases to order the seizure of any adulterated butter, and to direct its re-churning, destruction, or other disposition thereof: Provided, That such order shall not apply to butter which is adulterated in no other way except that its weight of milk fat is between seventy-nine and five-tenths (79.5) per centum and eighty (80) per centum.

Any person who shall hinder or interfere with any agent of the department engaged in the administration and enforcement of this act, or who shall dispose of any butter after a petition for its seizure has been presented, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution, and in default of the payment of such fine and costs, shall be sentenced to imprisonment for a period of thirty (30) days.

Section 6. That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Department of Agriculture, and, when so collected and paid, shall thereafter be, by the department, paid into the State Treasury, through the Department of Revenue, for the use of the Commonwealth.

(Section 2.) The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included.

(Section 3.) All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(Section 4.) This act shall become effective immediately upon final enactment.

APPROVED—The 7th day of May, 1937.

RENOVATED OR PROCESS BUTTER LAW

Act of July 10, 1901, No. 327, P. L. 643.

AN ACT

Defining boiled or process butter; designating the name by which it shall be known; providing for the licensing of manufacturers and dealers therein, and regulating the sale and labeling of the same so as to prevent fraud and deception in its sale; providing punishment for violations of this act, the methods of procedure for its enforcement, and certain matters of evidence in such procedure.

Section 1. Be it enacted, &c., That for the purposes of this act certain food products, usually known as "boiled" or "process" butter,

produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with milk or skimmed milk or other material, and by emulsion or other process, produce butter, and butter produced by any similar process, and commonly known as "boiled" or "process" butter; and which "boiled" or "process" butter for the purpose of this act shall be known and designated as "renovated butter."

Section 2. Every person, firm or corporation, and every agent of such person, firm or corporation, who shall desire to engage in the business of manufacturing or selling "renovated butter," shall first make application to the Department of Agriculture for a license, authorizing him, her or them to engage in the manufacture or sale of "renovated butter," and such application for license shall be in such form as shall be prescribed by the Department of Agriculture through its agent, the Dairy and Food Commissioner; which application, in addition to other matters which may be required to be stated therein by the said Dairy and Food Commissioner, shall contain an accurate description of the place where the proposed business is intended to be carried on, and the name and style under which it is proposed to conduct the said business, which name and style shall not, in the judgment of the Dairy and Food Commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on; and if the said application is satisfactory to the said Dairy and Food Commissioner, he shall issue to the applicant or applicants a license, authorizing him, her or them to engage in the manufacture or sale of "Renovated Butter," for which said license the applicant or applicants shall first pay, annually, the following sum: if a manufacturer, the annual sum of one thousand (\$1,000) dollars; if a wholesale dealer, the annual sum of five hundred (\$500) dollars; if a retailer, the annual sum of one hundred (\$100) dollars; if a restaurant keeper or dining-room proprietor or a hotel proprietor, the annual sum of fifty (\$50) dollars; if a boarding-house keeper, the annual sum of ten (\$10) dollars; and the said license fees, when received by the said Dairy and Food Commissioner or his agent, shall be by him immediately paid into the State Treasury. All licenses under this act shall expire the thirty-first day of December of each year, but licenses may be granted to begin on the first of any month for the remainder of a year, upon the payment of a proportionate part of the annual license fee. Wholesale dealers, within the meaning of this act, shall be all persons, firms or corporations who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms and corporations who make sales in quantities of ten pounds and over at any time. An agent of a manufacturer located outside of the State, and taking orders within this State for such "Renovated Butter," to be delivered from the factory or from a storage-house, or from one place of business to another within this State, shall be, within the meaning of this act, a wholesale dealer. And retail dealers shall be all persons, firms or corporations who sell in quantities of less than ten pounds. Every restaurant keeper or dining-room proprietor or hotel proprietor or boarding-house keeper, who furnishes "Renovated Butter" as part of the meal served to customers or guests shall be regarded as a dealer in "Renovated Butter." Such license may be transferred by the Dairy and Food Commissioner, upon the application in writing of the

person, firm or corporation to which the same has been granted, provided the transferee shall comply with the provisions of this act and with the regulations made by the said Dairy and Food Commissioner in regard to the said transfer. Such license shall not authorize the manufacture or sale, exposing for sale or having in possession with intent to sell, "Renovated Butter" at any place other than that designated in the application and license. The license, procured as aforesaid, shall be hung up in a conspicuous place, in the place of business, room or store where such "Renovated Butter" is authorized to be sold.

Section 3. That no person, firm or corporation shall sell or offer or expose for sale, or have in his, her or their possession with intent to sell, any "Renovated Butter" from a wagon or other vehicle, or upon the public streets or roads, or from house to house.

Section 4. Every person, firm or corporation who shall obtain a license for the manufacture or sale of "Renovated Butter" shall also be required, before engaging in such manufacturing or sale, to procure from the Dairy and Food Commissioner a sign or signs, of such form, size and lettering as the Dairy and Food Commissioner shall determine, and which shall be uniform throughout the Commonwealth; which said sign or signs shall clearly set forth that he, she or they are engaged in the manufacture or sale of "Renovated Butter," and which sign or signs when procured shall be hung up in a conspicuous place or places, on the walls of each room or store or place of business in which "Renovated Butter" is manufactured or sold; and in addition to such sign or signs, so hung up as aforesaid, every restaurant keeper or dining-room proprietor, or hotel proprietor or boarding-house keeper, shall also have conspicuously placed upon every counter or table, at which food, meals or refreshments are served to customers, a placard, plainly printed in letters not less than one-half inch in length, stating that "Renovated Butter" is used and served to customers. Every person, firm or corporation who shall obtain a license as a manufacturer or wholesale dealer, for the manufacture or sale of "Renovated Butter," shall also be required, before engaging in such manufacture or sale, to procure from the Dairy and Food Commissioner a stencil, of such form, size and lettering as the Dairy and Food Commissioner shall determine, and which shall be uniform throughout the Commonwealth; which said stencil shall designate the number of said license and the name and address of the holder thereof; which said stencil shall be used by the manufacturer or wholesale dealer, and said stencil brand shall be placed on each and every package, before being sold by the manufacturer or wholesale dealer to the retailer. If any package of "Renovated Butter" shall be found in the possession of any manufacturer or wholesale dealer or retail dealer without the said stencil brand being found thereon, such package shall be seized by the Dairy and Food Commissioner or by any of his agents, and said package shall be forfeited, and shall be sold by the Dairy and Food Commissioner or his agents, and the proceeds thereof paid to the State Treasurer, for use of the Department of Agriculture.

Section 5. It shall be unlawful for any person, firm or corporation, or any agent thereof, to sell, or offer or expose for sale, or have in his, her or their possession with intent to sell, any "Renovated Butter,"

not marked and distinguished on the outside of each tub, package or parcel thereof, in a conspicuous place, by a placard with the words "Renovated Butter;" and such placard shall be printed in plain, uncondensed Gothic letters, not less than one-half inch long, and such placards shall not contain any other words, printing or device thereon; and also upon every open tub, package or parcel, containing such "Renovated Butter," there shall be displayed in the same manner, in a conspicuous place, a placard with the words "Renovated Butter" printed thereon, in the same form as above described in this section, and when "Renovated Butter" is sold from such package, and otherwise, at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers, plainly stamped on the outside thereof with the words "Renovated Butter," printed or stamped thereon in letters one-quarter of an inch square, and such wrapper shall contain no other words or printing thereon; and the said words "Renovated Butter," so stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of purchase.

Section 6. Every person, firm or corporation who shall have obtained a license, and be engaged in the business of manufacturer or wholesale dealer in "Renovated Butter," shall keep a book, in which shall be entered accurately every sale and shipment, the quantity and person to whom sold and shipped, the place to which shipped, and the name of the transportation line by which shipped; which said book shall be always open to the inspection of the Dairy and Food Commissioner, or his agents, attorneys and representatives. Every retail dealer in "Renovated Butter" shall keep an accurate account, in a book open to the examination of the Dairy and Food Commissioner, or his agents, attorneys and representatives, in which said book shall be entered the date of the receipt for all purchases of "Renovated Butter" made by such retail dealer, stating therein where and from whom purchased, and the quantity so purchased.

Section 7. Every person, firm or corporation, and every agent of such person, firm or corporation, who shall manufacture, sell or offer or expose for sale, or have in his, her or their possession with intent to sell, "Renovated Butter," in violation of any of the provisions of this act, or who shall in any other respects violate any of the provisions of this act, shall for every offense forfeit and pay the sum of one hundred (\$100) dollars, which shall be recoverable with the costs, including the expense of the inspection and analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen, throughout this Commonwealth, shall have jurisdiction to hear and determine all actions for recovery of penalties for violations of the provisions of this act, with the right of appeal in either party to the court of common pleas, as provided in existing laws in suits for penalties; and all penalties and costs imposed and recovered under the provisions of this act, shall be paid to the Dairy and Food Commissioner or his agents, and by him immediately covered into the State Treasury, to be paid out and used as hereinafter provided.

Section 8. In addition to the above penalty, every person, firm or corporation, and every agent of such person, firm or corporation, who

violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction shall be punished for the first offense by a fine of not less than one hundred (\$100) dollars, nor more than three hundred (\$300) dollars, or by imprisonment in the county jail for not more than thirty (30) days, or both, at the discretion of the court; and for the second offense, by a fine of not less than three hundred (\$300) dollars and not exceeding five hundred (\$500) dollars, and imprisonment not exceeding two (2) years.

Section 9. In any proceeding under this act, either for the collection of a penalty or prosecution for a misdemeanor, the certificate of the Dairy and Food Commissioner and the Secretary of Agriculture, under the seal of the Department of Agriculture, shall be accepted by justices of the peace, aldermen and courts of record as evidence of the granting of a license to manufacture or sell "Renovated Butter," or of the fact that no such license has been granted to any particular person, firm or corporation.

Section 10. Whenever a suit for collection of a penalty, under the provisions of this act, shall be appealed to any court of record, or whenever any prosecution for a misdemeanor, on account of any violation of the provisions of this act, has been returned to any court of quarter sessions, it shall be lawful for the Dairy and Food Commissioner, his agents or attorneys, in case the person or persons who have been sued for such penalty or prosecuted for such misdemeanor have, since the commencement of such suit or prosecution, again violated any of the provisions of this act to apply to the court having jurisdiction of such appeal or of such prosecution, or to any law judge thereof, by petition setting forth the facts and asking the said court to make an order commanding and restraining the person or persons, so sued or prosecuted as aforesaid, from further violating any of the provisions of this act until such time as the said suit for penalty or the said prosecution shall have been finally decided and determined; and thereupon the said court, or any law judge thereof, after such notice to such person or persons, so sued or prosecuted as aforesaid, as to the said court or judge may appear proper and after inquiring into the facts alleged in said petition shall, if satisfied that any violation of the provisions of this act has been committed by such person or persons since the commencement of said suit or prosecution, make an order, commanding and restraining the said person or persons from any further violations of the provisions of this act, until such time as the said suit or prosecution shall have been finally decided and determined; and in case, upon the final determination of said suit or prosecution, it shall appear that the said person or persons had incurred the liability to payment of the penalty for which said suit had been so brought, or has been duly convicted of a misdemeanor in the prosecution so commenced as aforesaid, the said court or law judge thereof shall make the aforesaid order, restraining the said person or persons from the further violation of the provisions of this act, continuing and permanent; and any violation by any person or persons of any restraining order of such court or judge, whether the restraining order shall be made during the pendency of a suit for penalty, or of a prosecution as above stated, or after the final determination of such suit or prosecution in the manner aforesaid, shall be punishable as a contempt

of the court so making the said order. And the said court is hereby authorized to take such steps for the punishment of such contempt as may by law be now taken for disregarding any injunction or other order of the courts of common pleas of this Commonwealth sitting in equity and exercising equity jurisdiction. No security shall be required on the part of the petitioner for such restraining order, and the cost of the application and subsequent proceedings thereon shall be in the discretion of the court.

Section 11. It shall be the duty of every constable in any city, borough, ward or township of this Commonwealth, having knowledge of any violation of this act, or whenever requested so to do by the Dairy and Food Commissioner, his agents or attorneys, or by any citizen of this Commonwealth, to make a report to the court of quarter sessions of the proper county, as part of his quarterly report and return to said court, of the name of every person, firm or corporation known by him to have violated any of the provisions of this act, or alleged by the person, so giving notice as aforesaid to said constable, to have violated any of the provisions of this act, and of the names of all witnesses furnished to said constable, whose testimony it is alleged will sustain or prove the fact of such violation. And it shall be the duty of the judge of the said court to make inquiry of all constables, at the time of the making of their quarterly returns to the court of quarter sessions, as to whether they have knowledge, and whether notice has been given to them, respectively, of any violation of this act, in accordance with the terms of this section; and whenever such quarterly report shall contain the name of any person alleged to have violated the provisions of this act, together with the names of witnesses to prove such violations, as also the name of the person giving notice to the constable, as aforesaid, the said court shall direct the district attorney to prepare an indictment against every person so named, and call and send witnesses, whose names have been so returned, before the grand jury then sitting, in support of the said indictment; and if a true bill shall be returned by the grand jury, thereupon to issue summary process to bring in the person so charged, to answer the matters alleged in such indictment, and thereupon proceed to trial as speedily as possible, according to the course of practice in the said court of quarter sessions.

Section 12. The Dairy and Food Commissioner shall be charged with the enforcement of all provisions of this act; but any citizen of the Commonwealth, having knowledge or information of the violation of any of the provisions of this act, may, in the name of the Commonwealth, begin a suit for penalty or prosecution for misdemeanor, in accordance with the provisions of this act, and may prosecute to final judgment any suit or prosecution, giving notice in writing, however, to the Dairy and Food Commissioner of the commencement of such suit or prosecution immediately upon the commencement of the same, stating the nature of the proceeding and the magistrate before whom commenced, and shall in like manner report to the Dairy and Food Commissioner each successive step taken in such suit or prosecution; and such citizen shall, upon complying with the provisions of this section, be entitled to receive one-half of any penalty or fine which may be recovered in such proceeding and paid to the Dairy and Food Com-

missioner; and immediately upon the receipt and covering into the treasury of any such penalty or fine, recovered and paid in any proceeding commenced by a citizen, as aforesaid, the Dairy and Food Commissioner shall pay the one-half thereof to the said citizen, so commencing said proceeding and complying with the provisions of this section. Such citizen shall also be entitled to recover from the defendant his witness fees and other legal costs, as fixed by law, in said proceeding.

Section 13. The money paid into the treasury under the provisions of this act shall constitute a special fund, for the use of the Department of Agriculture in enforcing this law, and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General; subject, however, to the payment to any citizen commencing and successfully prosecuting a proceeding for any violation of this act, under the last preceding section, of one-half of the penalty or fine so recovered in such proceeding and paid into the State Treasury.

Section 14. The Dairy and Food Commissioner, his assistants, agents, experts, chemists, detectives and counsel, duly appointed by him for the purpose, shall have full access, egress and ingress to all places of business, factories and farm buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any dairy products, or of any adulteration or imitation thereof; and shall also have power and authority to open any package, can or vessel containing, or which may be supposed to contain, "Renovated Butter," which may be manufactured, sold or exposed for sale in violation of any of the provisions of this act; and they shall also have power to take from such package, can or vessel, samples for analysis, upon paying or tendering the value of such samples.

Section 15. The Dairy and Food Commissioner shall publish a semi-annual bulletin, and distribute the same in the same manner as other bulletins of the Department of Agriculture are published and distributed; which semi-annual bulletin shall contain the name and address of every person, firm or corporation to whom a license has been issued for the manufacture or sale of "Renovated Butter" and also a tabulated statement of all the actions, civil or criminal, which have been brought for the violations of this act; giving the name and address of the defendant and the disposition of every case.

Section 16. All parts of the act approved the fourth day of May, Anno Domini one thousand eight hundred and ninety-nine, entitled "An act to regulate the sale of butter, produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as 'Boiled' or 'Process' butter; providing for the enforcement thereof, and punishment for the violation of the same;" inconsistent with this act, are hereby repealed.

APPROVED—The 10th day of July, A. D. 1901.

CARBONATED BEVERAGES AND STILL DRINKS LAW

Act of May 14, 1925, P. L. 730, as amended May 6, 1927, P. L. 851, June 22, 1931, P. L. 654, and June 25, 1937, No. 436, P. L. 2140.

AN ACT

For the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing for penalties, and for injunctions in certain cases.

Section 1. Be it enacted, &c., That the term "carbonated beverages" or "still drinks," as used in this act shall include all carbonated beverages or still drinks, fruit juices, and mineral waters when ready for use as a beverage, whether still or carbonated, and whether simple, mixed or compounded. The term shall not include natural apple cider, unfermented grape juice, cereal beverages, or carbonated beverages or still drinks made in imitation of beer, bitter drinks, or other similar beverages.

The term "fruit juices" shall mean the natural juices of fruits, sweetened or unsweetened, which are marketed in bottles, cans, or other containers.

The word "person" shall include individuals, associations, copartnerships, and corporations.

The singular shall include the plural; the masculine shall include the feminine and neuter.

Section 2. It is unlawful for any person to sell, offer, or expose for sale, or exchange, or give away, or have in possession with intent to sell any carbonated beverage or still drink except such as is manufactured, prepared, mixed, or compounded by such person in his own home for consumption by himself, his family, or his guests unless the same has been registered with the Department of Agriculture. The possession of any such non-registered beverage shall be deemed prima facie evidence of an intent to sell the same.

It is unlawful for any person to import into this Commonwealth for sale any carbonated beverage or still drink which is not registered with the Department of Agriculture.

Section 3. Any person, whether a resident or non-resident of this Commonwealth, manufacturing or bottling any carbonated beverages or still drinks shall register such beverages with the Department of Agriculture by filing an application for such purpose on a form to be prescribed by the Department of Agriculture. Such application shall state (a) the name and address of the applicant, (b) the location of his manufacturing or bottling plant, (c) the name of each beverage to be registered, and (d) such other information as may be required by the Department of Agriculture. The application shall be accompanied by a fee of fifty dollars. The Department of Agriculture shall issue to each applicant a certificate of registration for all carbonated beverages or still drinks manufactured or bottled by him.

Such registration shall expire one year from the issuance thereof unless renewed annually by the payment of a fee of fifty dollars.

The Department of Agriculture may revoke any registration whenever it is determined by it that any of the provisions of this act or of any other act relating to carbonated beverages or still drinks have been violated.

Section 4. It is unlawful for any person to label, mark, or cap any carbonated beverage or still drink which has not been registered under this act, so as in any way to indicate that such beverage has been so registered.

It is unlawful for any person other than a person holding a certificate of registration to use for the purpose of holding any carbonated beverages or still drinks any container, label, or cap bearing any registration mark.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars.

Section 5. No carbonated beverages or still drinks shall be made except from syrup containing pure honey, or pure refined cane or beet sugar, or pure refined dextrose, and pure flavoring materials with or without added fruit acids and with or without added color. Such carbonated beverages or still drinks shall contain not less than eight per centum sugars by weight. The provisions of this section, with respect to the amount of sugars required, shall not apply to ginger ale or to non-alcoholic fruit juices. This section does not prohibit the use of caramel colors or any other harmless ingredient, and nothing but harmless, certified, approved artificial coal tar dye products and colors shall be used: Provided, That no color shall be used in orange-ade or orange drinks which may tend to mislead the public by imitating or simulating the appearance of the natural juice of the orange.

All carbonated beverages or still drinks shall be deemed to be adulterated which are not in compliance with the provisions of this section, or which contain any of the ingredients prohibited by section three of the act, approved the eleventh day of March, one thousand nine hundred and nine (Pamphlet Laws, Fifteen), entitled "An act relating to nonalcoholic drinks defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof," or which contain hydrogen peroxide or peroxides or perborates or benzoate of soda or benzoates or any other substance deleterious to health: Provided, That carbonated beverages and still drinks may contain not in excess of one-tenth ($1/10$) of one percentum of benzoate of soda or benzoates, provided the bottles or other containers are labeled, or in the case of bulk drinks, suitable display cards are printed to show that the said drinks contain not in excess of one-tenth ($1/10$) of one percentum of benzoate of soda or benzoates.

The Secretary of Agriculture is hereby authorized to adopt and issue rules and regulations for the proper enforcement of this act and for the protection of the public health.

Section 6. Whenever artificial colors or flavors are used in the manufacture of carbonated beverages or still drinks the bottle or other container shall be distinctly marked, labeled, or capped "artificially colored," "artificially flavored," or "artificially colored and flavored," as the case may be. All cider, fruit-ades, fruit juices, or other similar beverages made in imitation of the natural product shall be distinctly marked, labeled, or capped with the word "imitation," followed by the name of the natural product imitated.

All carbonated beverages, or still drinks containing artificial flavor or artificial color of any character and sold from bulk shall be so labeled or marked on the container from which it is sold.

Section 7. Display cards, printed and marked with the information required by section six of this act, shall be prominently displayed on all stands, booths, or other places where any carbonated beverages or still drinks are sold from bulk. Such display cards shall be printed in letters not less than two inches long and three-fourths of an inch in width and shall bear the inscription: "Artificially colored," "artificially flavored," "artificially colored and flavored," or "imitation" as the case may be.

Section 8. Every bottle filled with carbonated beverages or still drinks shall be distinctly marked, labeled, or capped so as to show the true name of the carbonated beverages or still drinks contained therein and the name and address of the manufacturer or bottler.

Section 9. All bottles used for bottling carbonated beverages or still drinks, before being filled, shall be cleansed by soaking in a hot caustic solution of not less than one hundred and ten degrees Fahrenheit and that shall contain not less than three percentum caustic or alkali expressed in terms of sodium hydrate or its equivalent in cleansing and germicidal effectiveness, for a period of not less than five minutes, then thoroughly rinsed in pure water. The cleansing solution shall be changed frequently, so as to prevent its becoming foul and unsanitary.

Section 10. No bottles shall be used in the manufacturing or bottling of carbonated beverages or still drinks in which the metal or rubber parts of the stopper come in contact with the beverage or drink. The provisions of this section shall not apply to carbonated water put in syphons nor to aluminum bottle caps or caps made of other metals found by the Department of Agriculture not to be injurious to health.

Section 11. It is unlawful for any person to use any containers used in the manufacture, bottling, or distribution of carbonated beverages or still drinks for any other purpose.

Section 12. All carbonated beverages or still drinks shall be drawn from closed containers or served from individual bottles.

Section 13. All carbonated beverages or still drinks manufactured, sold, or offered for sale at or tributary to fair grounds, carnivals, circus grounds, parks, resorts, and all other places within the State, shall be made from pure honey, or pure refined cane or beet sugar, or pure refined dextrose and in compliance with the provisions of the non-alcoholic drink laws of Pennsylvania.

Section 14. All coolers and other containers of any description whatsoever from which carbonated beverages or still drinks are sold or dispensed at or adjacent to fair grounds, carnivals, circus grounds, parks, resorts and all other places within the State, shall have proper display cards as provided by section seven of this act.

Section 15. No carbonated beverages or still drinks shall be sold or offered for sale from bulk which has been kept cool by the addition of ice.

Section 16. It is unlawful for any person to display any press at any place where carbonated beverages or still drinks are being sold or dispensed unless such press is actually used in the production of the carbonated beverages or still drinks being sold or dispensed from bulk as such place and time.

Section 17. No carbonated beverages or still drinks shall be mixed or compounded in tin, galvanized iron, or wood pails, tubs, or barrels.

Section 18. The Department of Agriculture shall have charge of the enforcement of this act.

The Secretary of Agriculture shall appoint four special agents with experience to enforce the provisions of this act and such additional agents as may be necessary to keep supervision over the non-alcoholic drinks industry, as provided for by this act, and shall fix the compensation of such special agents and shall allow them necessary traveling expenses.

Section 19. All licenses, all registration fees, and fines paid or recovered under the provisions of this act, shall be paid by the justice of the peace or court official to the Secretary of Agriculture, and shall be paid by him into the State Treasury. Such moneys shall constitute a special fund and are hereby permanently appropriated to the Department of Agriculture for the purpose of enforcing the provisions of this act, and may be drawn out upon warrants signed by the Secretary of Agriculture, approved by the Auditor General.

All moneys remaining in such fund on the first day of June of each year shall be paid over into the general fund of the State Treasury.

Section 20. (a) Any person violating any of the provisions of this act, except section four thereof, or interfering with, or refusing to give access to, the Secretary of Agriculture or any of his agents or assistants, shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars and the costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail of not less than thirty (30) days nor more than ninety (90) days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred (\$500) dollars nor more than one thousand (\$1000) dollars or to undergo imprisonment not exceeding one year or both in the discretion of the court.

(b) The Attorney General at the request of the Department of Agriculture may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the manufacture and sale of carbonated beverages and still drinks in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court. In such case the Attorney General shall not be required to give bond.

Section 21. The provisions of this act, with respect to registration, shall not apply to drinks sold or dispensed from soda fountains nor to social, fraternal, charitable, educational, religious, or beneficial organizations. This act shall take effect sixty (60) days after the date of its approval.

Section 22. This act does not repeal or in any wise affect any of the provisions of any act of this Commonwealth relating to intoxicating liquors nor any of the provisions of the act, approved the eleventh day of March, one thousand nine hundred and nine (Pamphlet Laws, fifteen), entitled "An act relating to non-alcoholic drinks; defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof," or the act approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred sixty-eight), entitled "An act for the protection of the public health by providing clean, sanitary establishments for bottling non-alcoholic drinks, including clean, sanitary ingredients, bottles, receptacles and utensils; and providing penalties for the enforcement thereof," or any of their supplements or amendments.

Section 23. All acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 25th day of June, A. D. 1937.

NON-ALCOHOLIC DRINKS LAW

Act of March 11, 1909, No. 10, P. L. 15, as amended June 16, 1919, No. 242, P. L. 480,
and May 25, 1921, No. 412, P. L. 1116.

AN ACT

Relating to non-alcoholic drinks; defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded non-alcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants, or employes, to manufacture, sell, offer for sale, expose for sale, or have in possession with intent to sell, any article of non-alcoholic drink which is adulterated or misbranded, within the meaning of this act.

Section 2. That the term "non-alcoholic drink," as used herein, shall include carbonated beverages of all flavors, sarsaparilla, ginger

ale, soda water of all flavors, lemonade, orangeade, root beer, grape juice, and all other non-intoxicating drinks.

Section 3. A non-alcoholic drink shall be deemed to be adulterated, within the meaning of this act, if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, betanaphthol, hydronaphthol, abrastol, asaprol, oxides of nitrogen, nitrous acid or nitrates, compounds of copper, pyroligneous acid or other added substance deleterious to health.

Section 4. That for the purpose of this act, a non-alcoholic drink shall be deemed to be misbranded:

First. If it be an imitation of, or offered for sale under the distinctive name of, another article, or if it is colored or flavored in imitation of the genuine color or flavor of another substance.

Second. If it be labeled or capped or branded or tagged so as to deceive or mislead the purchaser.

Third. If the bottle or receptacle containing it, or its label or cap, shall bear any statement, design, or device, regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: Provided, That any non-alcoholic drink which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded under the following conditions:

A. In the case of mixtures or compounds which may be now, or from time to time hereafter, known as non-alcoholic beverages under their own distinctive names, and not an imitation of, or offered for sale under the name of, another article.

B. In the case of non-alcoholic beverages which are labeled, capped, branded, or tagged so as to plainly indicate that they are compounds, imitations, artificial, or blends, and the word "Compound," "Imitation," "Artificial," or "Blend," as the case may be, is plainly stated on the container in which it is offered for sale: Provided, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients not prohibited by this act and used for the purpose of coloring or flavoring only. (Section 4, as amended June 16, 1919.)

Section 5. (a) Any person who shall violate any of the provisions of the act to which this act is an amendment or any amendment of said act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars. Upon conviction for any subsequent violation of this act, such person shall be punished by a fine of not less than one hundred (\$100) dollars nor more than two hundred (\$200) dollars, and by imprisonment in the county jail of not less than ninety days nor more than six months.

(b) For the purpose of this act, any person against whom a charge is made under this act, who admits his guilt by the payment of a fine before the committing magistrate or in court without indictment,

shall be deemed to have been convicted; and such conviction, and any other prior convictions in any court under an indictment, may be shown by testimony in the case or before court when sentence is to be imposed, without a second or other subsequent conviction having been pleaded in the information or the indictment.

(c) The provisions of this act are severable, and in the event of any provision hereof being declared unconstitutional, it is hereby declared as the legislative intent that such unconstitutional provision shall not affect the other provisions of this act. (Section 5, as amended May 25, 1921.)

Section 6. The Dairy and Food Commissioner shall be charged with the enforcement of the provisions of this act.

Section 7. All fines and penalties imposed and recovered for any violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and, when so collected and paid, shall thereafter be, by the Dairy and Food Commissioner, paid into the State Treasury, for the use of the Commonwealth.

Section 8. This act shall not apply to, nor in any way affect, the act, entitled "An act to prohibit the adulteration or coloring of milk or cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-seven; and the amendments thereto, approved the nineteenth day of April, Anno Domini one thousand nine hundred and one, entitled "An act to amend the first section of an act, entitled 'An act to prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same,' approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-seven;" nor the act, entitled "An act regulating the manufacture or sale of fruit syrups, providing for the enforcement thereof, and to repeal an act, entitled 'An act relative to adulteration of natural fruit juice, and providing penalties for the violations thereof,' approved the second day of May, Anno Domini one thousand nine hundred and one," approved the twenty-sixth day of April, Anno Domini one thousand nine hundred and five—which act shall remain in full force.

APPROVED—The 11th day of March, A. D. 1909.

SANITARY CONTAINER LAW

Act of May 21, 1937, No. 214, P. L. 788.

AN ACT

For the protection of the public health, and the prevention of fraud and deception, requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments, and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

Section 1. Be it enacted, &c., That the following words and phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

“Bottling establishment” includes all buildings, rooms, basements, cellars, lofts or other premises, or parts thereof, used, occupied or maintained in this Commonwealth for the purpose of manufacturing, preparing, keeping, storing, handling or distributing in any manner non-alcoholic drinks or liquid foods in bottles, cans, or other containers, for sale.

“Department” means the Department of Agriculture of this Commonwealth.

“Liquid foods” includes not only every liquid article used for food by man, but also every liquid article used for, or entering into the composition of, or intended for use as, an ingredient in the preparation of food for men.

“Non-alcoholic drinks” includes all non-alcoholic drinks, whether simple, mixed or compound, and all substances and ingredients used in the preparation thereof.

“Person” includes any partnership, association or corporation as well as a natural person.

Section 2. It shall be unlawful for any person to manufacture, prepare or bottle non-alcoholic drinks or liquid foods in an unclean, unsanitary establishment or under unclean, unsanitary conditions, or to use unsanitary ingredients, bottles, receptacles or utensils.

Section 3. Every bottling establishment bottling non-alcoholic drinks, subject to the provisions of this act, shall be maintained and operated with strict regard for the purity and wholesomeness of the non-alcoholic drinks and liquid foods therein produced or distributed. In order to protect the public health such establishments shall be maintained and operated pursuant to the following general requirements:

(a) The entire bottling establishment and its immediate appertaining premises, including the fixtures and furnishings, the machinery, apparatus, implements, utensils, and receptacles used in the production, keeping, storing, handling or distributing of the non-alcoholic drinks or liquid foods or of the materials used therein, shall be maintained and operated in a clean, sanitary manner.

(b) The non-alcoholic drinks or liquid foods, and the materials used therein, shall be clean, wholesome and protected from any foreign and injurious contamination which may tend to render said non-alcoholic drinks and liquid foods unfit for human consumption.

(c) The clothing, habits and conduct of the employes shall be conducive to and promote cleanliness and sanitation.

(d) There shall be proper, suitable, and adequate toilets and lavatories constructed, maintained, and operated in a clean and sanitary manner.

Section 4. It shall be unlawful for any person to manufacture, prepare or bottle non-alcoholic drinks or liquid foods in bottles, cans or other containers upon the label or crown of which is printed

the name of another bottler or manufacturer, or on which is blown or imprinted or stamped the name of another bottler or manufacturer.

Section 5. The Department of Agriculture shall enforce and adopt rules and regulations to carry out the provisions of this act.

Section 6. The department, through its duly authorized officers, inspectors, agents or other assistants, shall be permitted, at all reasonable times, to inspect any bottling establishment, or part thereof, together with its operation. Any person refusing or interfering with such inspection shall, upon conviction, be punished as provided in this act.

Section 7. All bottles used for bottling liquid foods or non-alcoholic drinks before being filled shall be cleansed by soaking in a hot caustic solution of not less than one hundred and ten degrees Fahrenheit that shall contain not less than three per centum of caustic or alkali expressed in terms of sodium hydrate, or its equivalent in cleansing and germicidal effectiveness, for a period of not less than five minutes, then thoroughly rinsed in pure water. The cleansing solution shall be changed frequently so as to prevent its becoming foul and unsanitary.

Section 8. Any person who shall violate any of the provisions of this act or any rule, regulation or order of the department made pursuant to this act, shall for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and costs of prosecution, and in default of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for not less than thirty days nor more than sixty days and for a third or subsequent offense shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000), or to undergo imprisonment not exceeding one year, or both, in the discretion of the court.

Section 9. The Attorney General at the request of the department may, in the name of the Commonwealth, institute proceedings in the court of common pleas of Dauphin County for the purpose of enjoining any person, violating any of the provisions of this act, from bottling any non-alcoholic drinks and liquid foods in this Commonwealth, and for such purpose jurisdiction is hereby conferred upon said court. In such cases the Attorney General shall not be required to give bond.

Section 10. All fines and penalties imposed and recovered for the violation of any of the provisions of this act, shall be paid into the State Treasury, through the Department of Revenue, and credited to the General Fund.

Section 11. The act approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred sixty-eight), entitled "An act for the protection of the public health by providing clean, sanitary establishments for bottling non-alco-

holic drinks, including clean, sanitary ingredients, bottles, receptacles, and utensils; and providing penalties for the enforcement thereof," is hereby repealed.

APPROVED—The 21st day of May, A. D. 1937.

CHEESE LAW

Act of June 23, 1897, No. 164, P. L. 202, as amended May 2, 1901, No. 95, P. L. 128.

AN ACT

To prevent fraud and deception in the manufacture and sale of cheese, and defining what shall constitute the various grades of cheese, providing rules and regulations for marking and branding the same, providing for the enforcement of this Act, prescribing penalties for its violation.

Section 1. Be it enacted, &c., That no person, firm or corporate body shall manufacture, sell, or offer for sale or have in his or their possession with intent to sell, any cheese not the legitimate product of pure, unadulterated milk or cream, or any cheese into which any foreign fats or substances have been introduced as may appear upon proper test.

Section 2. All cheese manufactured or sold within this Commonwealth shall be divided into five grades, and shall be branded, or stenciled in ordinary bold-face capital letters, not less than one-half inch in height, on one side of each cheese, and upon one side of the box or case containing the cheese, the manufacturer's name and post-office address, and the words "full cream," "three-fourths cream," "one-half cream," "one-fourth cream" and "skimmed cheese." All cheese branded "full cream" shall contain not less than thirty-two per centum of butter-fat, as may appear upon proper test. All cheese branded "three-fourths cream" shall contain not less than twenty-four per centum of butter-fat, as may appear upon proper test. All cheese branded "one-half cream" shall contain not less than sixteen per centum of butter-fat, as may appear upon proper test. All cheese branded "one-fourth cream" shall contain not less than eight per centum of butter-fat, as may appear upon proper test. All cheese containing less than eight per centum of butter-fat, as may appear upon proper test, shall be branded "skimmed cheese." Provided, however, That all full cream cheese sold, shipped or consigned to dealers outside of the Commonwealth of Pennsylvania may be branded, or stenciled, or not, as required by this act, at the option of the manufacturer. (Section 2, as amended May 2, 1901.)

Section 3. Every person, firm or corporation who shall violate any of the provisions of this act, shall, for every such offense, forfeit and pay the sum, of not less than fifty dollars, nor more than one hundred dollars, together with all charges and expenses for inspection and analysis connected therewith, by any person suing therefor in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth shall have jurisdiction to hear and determine

all actions arising under the provisions of this act, and all cheese not in accordance with this act shall be subject to forfeiture and spoilation: Provided, That the Department of Agriculture, through its officer, known as the Dairy and Food Commissioner, together with his deputies, agents and assistants, shall be charged with the enforcement of the provisions of this act, and shall have authority to enter any building or factory where the same is sold or manufactured or exposed for sale, and shall have the right to take samples sufficient for analysis, upon tendering the value thereof.

All fines and penalties, including also charges for inspection and analysis, shall be paid to the Dairy and Food Commissioner, his deputies, agents or assistants, and by him immediately covered into the State Treasury, and so much of said fund as may be necessary for the enforcement of this act shall be drawn out upon warrants signed by the Secretary of Agriculture and Auditor General: Provided, That the provisions of this act shall not be construed to apply to such cheese as is known as "fancy" cheese and is under five pounds in weight, each; or to what is known as cottage cheese or pot cheese, and do not contain anything injurious to health.

Section 4. This act shall take effect sixty days after its approval by the Governor of the Commonwealth.

APPROVED—The 23rd day of June, A. D. 1897.

COFFEE AND CHICORY LAW

Act of May 5, 1915, No. 143, P. L. 247.

AN ACT

Regulating the sale of chicory mixed with coffee, and providing a penalty.

Section 1. Be it enacted, &c., That it is lawful to sell chicory mixed with coffee if it conforms to the following conditions:

1. The amount of chicory shall not exceed fifteen per centum of the mixture of coffee and chicory.

2. The package containing the mixture shall bear the words in letters of the same style and size, but not less than one-half ($\frac{1}{2}$) inch high, "coffee and chicory," and may contain also the name and address of the manufacturer and distributor, a non-descriptive brand-name, and a statement of the net weight of the package contents, but no other printed matter.

3. The mixture shall contain no cereal in any form.

4. If sold in the form of a beverage in hotels or restaurants, there shall be displayed in a prominent place, in characters easily legible to the patrons, a placard bearing the words, "the coffee sold here is mixed with chicory."

Section 2. Any person, firm, or corporate body who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one hundred (\$100) dollars.

Section 3. The Dairy and Food Commissioner shall be charged with the enforcement of the provisions of this act.

Section 4. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and when so collected and paid shall thereafter be, by the Dairy and Food Commissioner, paid into the State Treasury, for the use of the Commonwealth.

APPROVED—The 5th day of May, A. D. 1915.

COLD STORAGE LAW

Act of June 26, 1919, No. 278, P. L. 670, as amended May 19, 1931, No. 96.

AN ACT

Defining cold storage, and regulating time of storage of certain articles of food, and providing penalties for the violation of the provisions of this Act.

Section 1. Be it enacted, &c., That, for the purpose of this act, "cold storage" shall mean the storage or keeping of articles of food at or below a temperature of forty degrees Fahrenheit in a cold storage warehouse.

"Cold storage warehouse" shall mean any place artificially or mechanically cooled to or below a temperature of forty degrees Fahrenheit in which articles of food are placed and held for thirty days or more.

"Articles of food" shall mean fresh meat, and fresh meat products, and all fresh fish, game, poultry, eggs and butter.

Section 2. No person, firm, or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the Department of Agriculture. Any person, firm, or corporation, desiring such a license, shall make written application to the department for that purpose, stating the location of the warehouse.

The department thereupon shall cause an examination to be made of said warehouse, and, if it be found to be in a proper sanitary condition and otherwise properly equipped for its intended use, the department shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year; the license shall be issued upon payment by the applicant of a license fee of fifty dollars (\$50) to the department and shall thereafter be paid by the department into the State Treasury through the Department of Revenue for the use of the Commonwealth. Provided: That no license fee shall be charged for the issuance of such license to any State-owned institution operating a cold storage warehouse. (Section 2, as amended May 19, 1931.)

Section 3. In case any cold storage warehouse, or any part thereof, shall at any time be deemed by the Director of the Bureau of Foods to be in an unsanitary condition, or not properly equipped for its intended use, he shall notify the licensee of such condition, and,

upon the failure of the licensee to put such cold storage warehouse in a sanitary condition or to properly equip the same for its intended use, within a time to be designated by the Director of the Bureau of Foods, he shall revoke such license.

Section 4. Every such licensee shall keep accurate records of the articles of food received in, and of the articles of food withdrawn from, his cold storage warehouse, and the Director of the Bureau of Foods shall have free access to such records at any time.

It shall be the duty of such person, firm, or corporation, licensed to operate a cold storage warehouse, to file in the office of the Director of the Bureau of Foods on or before the sixth day of January, April, July, and October, of each year, a report setting forth in itemized particulars the kinds and quantities of food products held in cold storage in such warehouse.

The report shall be made on printed forms prepared and supplied by the Director of the Bureau of Foods.

Section 5. The Director of the Bureau of Foods shall inspect and supervise all cold storage warehouses, and make such inspection of articles of food therein, as he may deem necessary to secure the proper enforcement of this act, and he shall have access to all cold storage warehouses at all reasonable times.

The Director of the Bureau of Foods may appoint such persons as he deems qualified to make such inspection under this act.

Section 6. It shall be unlawful for any person, firm, or corporation to place in any cold storage warehouse, to keep therein, or to sell, offer, or expose for sale, any diseased, tainted, or otherwise unwholesome food.

Section 7. No person, firm, or corporation shall place, receive, or keep, in any cold storage warehouse in this State, articles of food, unless the same shall be plainly marked, stamped, or tagged, either upon the container in which they are packed or upon the article of food itself, with the month and year when placed therein; or, in the case of articles of food being stored in bulk, the month and year of original storage shall be marked upon the doors or walls of the rooms in which the same are stored; and when such articles are removed, such month and year shall be marked upon the container in which the same shall be removed; and no person, firm, or corporation shall remove or allow to be removed such articles of food from any cold storage warehouse unless the same shall be plainly marked, stamped, or tagged, on the container in which it is enclosed or upon the articles of food itself, with the month and year of such removal; and such marks, stamps, and tags shall be prima facie evidence of such receipt and removal of the dates thereof.

All articles of food in any cold storage warehouse at the time this act goes into effect shall, before being removed therefrom, be plainly marked, stamped, or tagged with the month and year when this act goes into effect.

Section 8. No person, firm, or corporation shall sell, offer, or expose for sale, any of the herein named foods which shall have been

held for a longer period of time than herein specified in a cold storage warehouse or warehouses, to wit: Whole carcasses of beef or any parts thereof, twelve (12) months; whole carcasses of pork, or any parts thereof, twelve (12) months; whole carcasses of sheep, or any parts thereof, twelve (12) months; whole carcasses of lamb, or any parts thereof, twelve (12) months; whole carcasses of veal, or any parts thereof, twelve (12) months; poultry, twelve (12) months; game, twelve (12) months; eggs, twelve (12) months; butter, twelve (12) months; and fish, twelve (12) months.

Section 9. It shall be unlawful to sell, or to offer for sale, any article of food which has been held for a period of thirty days or over in cold storage, either within or without the State, without notifying persons purchasing or intending to purchase the same that it has been so held, by the display of a placard plainly and conspicuously marked "Cold Storage Goods" on the bulk, mass, or articles of food; and it shall be unlawful to represent or advertise as fresh any article of food which has been held in cold storage for a period of thirty days or over.

There shall also be displayed upon every open container containing such food, in a conspicuous position, a placard with the words "Cold Storage Goods" printed thereon; and, when such food is sold from such container or otherwise at retail, before being delivered to the purchaser it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "Cold Storage Goods" printed or stamped thereon in letters one-fourth ($\frac{1}{4}$) inch square.

Section 10. It shall be unlawful to return to any cold-storage warehouse any article of food which has been once released from storage for the purpose of placing it on the market for sale, but nothing in this section shall be construed to prevent the transfer of goods from one cold-storage warehouse to another: Provided, That all prior markings, stampings, and taggings, upon such articles shall remain thereon: And provided further, That such transfer is not made for the purpose of evading any provision of this act.

Section 11. The Director of the Bureau of Foods may make the necessary rules and regulations to carry this act into effect.

Such rules and regulations shall be filed in the director's office, and shall not take effect until thirty days after such filing.

Section 12. Any person, firm, or corporation violating any provision of this act, shall be guilty of a misdemeanor, and shall, upon conviction, be punished for the first offense by a fine not exceeding two hundred dollars (\$200); and for the second or any subsequent offense by a fine not exceeding three hundred dollars (\$300), or by an imprisonment of not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Section 13. An act, approved the sixteenth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and sixteen), entitled "An act for the protection of the public health and the prevention of fraud and deception by regulating the storage and sale of cold storage foods; fixing penalties for the violation of the provisions thereof, and providing for the enforcement thereof," and

the amendments thereto, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

APPROVED—The 26th day of June, A. D. 1919.

PENNSYLVANIA FRESH EGGS LAW

Act of July 10, 1919, No. 356, P. L. 900, as amended June 10, 1931, No. 155, and April 25, 1935, No. 38, P. L. 88.

AN ACT

Relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs, for and as fresh, that are not fresh eggs, or of branding or labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, or corporate body, by himself, herself, or themselves, or by his, her, or their agents or servants, to sell, expose for sale, advertise for sale, or have in his, her, or their possession with intent to sell, any eggs, as "fresh eggs," "strictly fresh eggs," "hennery eggs," "new laid eggs," or other words or descriptions of similar import that are not fresh eggs.

No egg shall be deemed to be fresh which does not meet or is not above the minimum requirements of fresh eggs as shall be established by the Department of Agriculture.

Section 2. Eggs shall be deemed to be misbranded under this act, if they are in any way branded, labeled, marked, stamped, as being fresh eggs, "new laid eggs," "hennery eggs," "strictly fresh eggs," or by a similar term, when they are in fact not fresh eggs, and do not conform to or are not above the minimum requirements provided by this act. The misbranding of eggs shall be deemed a violation of this act.

Section 2A. The minimum requirements for fresh eggs is as follows:

- (a) The air cell must be not more than two-eighths of an inch in depth, localized, regular.
- (b) The yolk may be visible, but not plainly visible or mobile.
- (c) The white must be firm and clear.
- (d) The germ must not show any visible development.

Section 2B. In the case of wholesale lots, a tolerance of ten per centum net shall be allowed in shell eggs fixed by this act if eight per centum of the eggs within the tolerance have an air cell three-eighths of an inch or less in depth, and in which is permitted slightly visible germ development plainly visible, mobile yolk, and slightly watery whites. The remaining two per centum may include all other defects. In the case of retail sales, at least ten eggs in each dozen shall conform to the minimum requirements for fresh eggs, and not more than two eggs in each dozen shall fall within the tolerance, as above provided in the case of wholesale lots.

Section 2C. In all cases the final determination of the correct quality of shell eggs shall be made by candling, or by other approved methods prescribed by the Secretary of Agriculture.

Section 2D. Shell eggs, which fail to meet or are not above minimum requirements provided for by this act, shall be sold simply as eggs, except if the shells have been treated with oil or in any other manner, then the package or container shall be clearly and conspicuously marked in a legible manner, "shell treated" or "shell protected" if sold as fresh eggs, even if conforming to the requirements provided for in this act.

Section 3. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than ten (\$10) dollars nor more than fifty (\$50) dollars, or, upon default of payment of such fine, to be imprisoned in the county jail for not more than ten days.

Section 4. That the Department of Agriculture shall be charged with the enforcement of the provisions of this act.

Section 5. That all fines and penalties imposed and received for the violation of any of the provisions of this act shall be paid to the Department of Agriculture, and, when so collected and paid, shall thereafter be, by the Department, paid, through the Department of Revenue into the State Treasury for the use of the Commonwealth.

Section 6. This act shall in no way repeal or otherwise affect any existing laws.

APPROVED—The 10th day of July, A. D. 1919.

EGGS UNFIT FOR FOOD LAW WITH SUPPLEMENT

Act of March 11, 1909, No. 9, P. L. 13, as amended June 12, 1931, No. 163, with Supplement of April 11, 1913, No. 43, P. L. 58, as amended May 23, 1919, No. 143, P. L. 267.

AN ACT

For the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, copartnership, association, or corporation, to conduct, at any given place, any business of opening eggs and separating the egg content from the shell and using or disposing of the content thereof, for any purpose, unless he, she, it, or they have first applied for and secured a license so to do from the Dairy and Food Commissioner. The form of such license shall be prescribed by the Dairy and Food Commissioner. The application for a license, in addition to other matters which may be required to be stated thereon by said Dairy and Food Commissioner, shall contain an accurate description of the place where the proposed separation of eggs is intended to be

carried on, and the name and style under which said business is proposed to be conducted. If the said application is satisfactory to the Dairy and Food Commissioner, and said name and style shall not, in the judgment of the Dairy and Food Commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on, the Dairy and Food Commissioner shall issue to the applicant a license, authorizing him, her, it, or them to engage in the business of opening the eggs and separating the egg content from the shell; for which said license the applicant shall first pay the annual sum of fifty dollars. The said license fee, when received by the Dairy and Food Commissioner, shall be by him immediately covered into the State Treasury for the use of the Commonwealth. Such license shall not authorize the holder thereof to carry on the business of opening the eggs and separating the egg content from the shell at any place other than that designated in the application and license. All licenses shall be taken out for a full year.

The opening of eggs unfit for food purposes and their denaturing by kerosene shall not be permitted in any building or premises where the opening of eggs for food purposes is carried on, and such eggs as are found to be unfit for food purposes must be placed in containers, painted of a bright red color, and such red-colored containers must not be used for wholesome eggs, nor be found in establishments where food products are prepared; and violations of either of these provisions shall be a misdemeanor and subject to the same penalties as the act of which this is a supplement.

It shall be unlawful for any person, copartnership, association, or corporation, by himself, herself, itself, or themselves, or by his, her, its or their agents, servants, or employes, to sell, offer for sale, expose for sale, or have in possession, eggs that are unfit for food, within the meaning of an act, entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," approved the eleventh day of March, Anno Domini one thousand nine hundred and nine, for any purpose, use, cause, or reason whatsoever, unless the same shall have first been denatured with a sufficient quantity of kerosene to render all of the same unfit for use in the preparation of food and food products; and further providing, that the shells of all such eggs that may be unfit for food, as hereinbefore mentioned shall first be removed or broken, by smashing or otherwise, so as to permit a free impregnation of the whole of the egg substance by the denaturing fluid.

For the purpose of enforcing the provisions of this act, the Department of Agriculture, through its officers, the Dairy and Food Commissioner and his agents and assistants, shall have full access to all places of business, factories, mills, buildings, cars, vessels, barrels, tanks, containers, and packages of whatever kind, used in keeping, storing, shipping, and handling eggs, and shall have power to take sufficient quantity of eggs therefrom, upon or offering payment for the same, for the purpose of making an analysis thereof.

All persons, copartnerships, associations, or corporations, violating any of the provisions of this act, or interfering with or refusing to give access to the Dairy and Food Commissioner or any of his agents or assistants when securing quantities of eggs for the purpose of analysis, shall be guilty of a misdemeanor, and subject to the same penalties as provided in the act to which this is a supplement. (Section 1, supplement of April 11, 1913, as amended May 23, 1919.)

Section 2. This act shall apply to eggs that, either before or after removal from the shell are wholly or partly decayed or decomposed, and to eggs in the fluid state, any portion of which are wholly or partly decayed or decomposed, or that are mixed with parts of eggs that are derived from eggs that are wholly or partly decayed or decomposed. This act shall also apply to frozen masses or broken eggs, if the mass contains eggs that are wholly or partly decayed or decomposed, or that are mixed with parts of eggs that have been taken from eggs that were wholly or partly decayed or decomposed.

Section 3. It shall be unlawful to sell, offer for sale, have in possession with intent to sell, either in shell, in broken out frozen masses, or in any condition whatsoever, incubated or incubator reject eggs, or eggs which have been subjected to incubation, whether natural or artificial, for a period of eight days or over, unless each egg or container of such eggs not in shell shall be branded, marked, or stamped with the words "incubated egg" or "incubated eggs," and it shall be unlawful to use any such incubated eggs in the preparation of or as a part of a food or foods, unless such food or foods shall be branded, marked, or stamped with the words "incubated eggs used."

It shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants, or employes, to use eggs that are either wholly or partly decayed or decomposed, in the preparation of food products: And provided further, That there shall be no delivery, sale, purchase or acceptance of wholly or partly decayed or decomposed eggs in or at any establishment where food products are prepared or manufactured. (Section 3, as amended June 12, 1931.)

Section 4. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than two hundred (\$200) dollars, nor more than one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than three (3) months, nor more than nine (9) months, or both or either, at the discretion of the court.

Section 5. That the Dairy and Food Commissioner shall be charged with the enforcement of the provisions of this act.

Section 6. That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and, when so collected and paid, shall thereafter be, by the Dairy and Food Commissioner, paid into the State Treasury, for the use of the Commonwealth.

APPROVED—The 11th day of March, A. D. 1909.

FRUIT SYRUP LAW

Act of March 3, 1925, No. 8, P. L. 10.

AN ACT

Relating to fruit syrups, and prohibiting the manufacture, sale, offering for sale, exposing for sale or having in possession with intent to sell, of any adulterated or misbranded fruit syrups; and providing penalties for the violation thereof; and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its, or their agents, servants or employes, to manufacture, sell, offer for sale, expose for sale, or have in possession with intent to sell, any fruit syrup which is adulterated or misbranded within the meaning of this act.

Section 2. A fruit syrup shall be deemed to be adulterated within the meaning of this act if it contains any added boric acid, or borates, salicylic acid, or salicylates, formaldehyde, sulphurous acid, or sulphites, hydrofluoric acid, or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, betanaphthol, hydronaphthol, abrastol, or compounds of copper, zinc, or other poisonous metals or other added substance deleterious to health.

Section 3. That for the purpose of this act a fruit syrup shall be deemed to be misbranded:

First. If it be an imitation of, or offered for sale under the name of another article.

Second. If it be labeled or branded or tagged so as to deceive or mislead the purchaser.

Third. If the bottle or receptacle containing it or its label shall bear any statement, design or device, regarding the ingredients or the substances contained therein, which statement, design, or device, shall be false or misleading in any particular.

Section 4. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than fifty (\$50) dollars, nor more than one hundred (\$100) dollars, or, to undergo an imprisonment of not less than thirty (30) days, nor more than sixty (60) days, or both, or either, at the discretion of the court.

Section 5. The Department of Agriculture shall be charged with the enforcement of the provisions of this act.

Section 6. All fines and penalties imposed and recovered for any violations of any of the provisions of this act, shall be paid to the Department of Agriculture, or its agents, and when so collected and paid, shall thereafter be, by the Department of Agriculture, paid into the State Treasury for the use of the Commonwealth.

Section 7. The act approved the twenty-sixth day of April, one thousand nine hundred and five (Pamphlet Laws, three hundred and eleven), entitled "An act regulating the manufacture or sale of fruit syrups, providing for the enforcement thereof, and to repeal

an act, entitled 'An act relative to adulteration of natural fruit juice, and providing penalties for violations thereof,' approved the second day of May, Anno Domini one thousand nine hundred and one,' is hereby repealed.

All other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 3rd day of March, A. D. 1925.

PENNSYLVANIA ICE CREAM LAW

Act of 1933, P. L. 1116, as amended by the Act of June 5, 1937, No. 350, P. L. 1672.

AN ACT

For the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice, and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice, and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof, and providing for the enforcement thereof; further regulating the manufacture, importation, and sale of such products; providing for injunctions; and changing the penalties prescribed.

Section 1. Be it enacted, &c., That for the purpose of this act, "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing, and includes every frozen milk product which contains more than five per centum (5%) by weight of total milk solids, or skim milk solids, and which in any manner simulates the texture or characteristics of ice cream, no matter under what coined or trade name it may be sold. Ice cream shall be made from a combination of one or more of the following ingredients, viz., cream, milk, condensed milk, sweetened condensed milk, dried milk, skimmed milk, condensed skimmed milk, sweetened condensed skimmed milk, or dried skimmed milk, and with or without one or more of the following ingredients: butter, water, sugar, flavor, stabilizer, harmless color which does not conceal, damage or inferiority, any one and all of which ingredients shall be wholesome, edible material, and the finished products shall contain not less than ten per centum (10%) of butter fat by weight, except when fruits or nuts, or both, are used for flavoring, when it shall contain not less than eight per centum (8%) of butter fat by weight.

For the purpose of this act, "custard ice cream," "french ice cream," "french custard," and "frozen custard" shall conform to the definition and standards hereinbefore defined for "ice cream" no matter under what trade or coined name it may be sold or offered for sale, and, furthermore, it shall contain not less than five (5) dozen clean, wholesome egg yolks, or the equivalent of such egg yolks in any wholesome form, for each ninety (90) pounds of finished product.

For the purpose of this act, "sherbet" is defined as any frozen sweetened fruit flavored product containing five per centum (5%) or less by weight of total milk solids, or skim milk solids, the process of manufacture of which is similar to the process of manufacture of ice cream, no matter under what trade or coined name it may be sold or offered for sale. It shall be made from milk or milk products, including ice cream mix, with one or more of the following ingredients, viz., sugar, water, stabilizer, or harmless color which does not conceal, damage or inferiority, and fruit or fruit flavoring material, and the finished product (except vanilla and chocolate flavors) shall contain not less than thirty-five hundredths of one per centum (0.35%) of harmless organic acid as determined by titration with standard alkali and calculated as lactic acid, and derived in whole or in part from the fruit or fruit flavoring material or by the addition of citric, tartaric or lactic acid.

"Sherbet," when sold or offered for sale under any coined or trade name, shall be plainly and distinctly marked as "a sherbet" in addition to the said coined or trade name designation and in juxtaposition thereto.

For the purpose of this act, "ice" or "fruit ice" is hereby defined as any frozen sweetened fruit flavored product, the process of manufacture of which is similar to the process of manufacture of ice cream, no matter under what trade or coined name it may be sold or offered for sale, and shall contain no milk solids whatsoever. It shall be made from one or more of the following ingredients, viz., sugar, water, stabilizer, harmless color which does not conceal, damage or inferiority, fruit or fruit flavoring material, and the finished product shall contain not less than thirty-five hundredths of one per centum (0.35%) of harmless organic acid as determined by titration with standard alkali and calculated as lactic acid, and derived in whole or in part from the fruit or fruit flavoring material or by the addition of citric, tartaric or lactic acid.

For the purpose of this act, "imitation ice cream," "ice cream substitute," or "coated imitation ice cream" is defined as any frozen sweetened product containing milk solids, manufactured in a manner similar to the process of manufacturing ice cream, hereinbefore defined, and which contains less than the per centum of butter fat as hereinbefore adopted for ice cream or more than five per centum (5%) of total milk solids, or skim milk solids.

For the purpose of this act, an "ice cream plant" shall mean any place, premises or establishment where ice cream, sherbet, ice, fruit ice or similar frozen products are manufactured, prepared or processed for distribution or sale: Provided, however, That the term shall not be construed to include such establishments as hotels, dining rooms, and boarding or eating houses where ice cream, sherbet or ice is produced and consumed only on the premises.

Section 2. (a) It is unlawful for any person, association, partnership, or corporation, by himself, herself, itself, or themselves, or by his, her, or their agents, servants, or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell, ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice, or fruit ice, including coated ice cream and the

coating thereof, which is adulterated within the meaning of this act, or to sell, offer for sale, or expose for sale, or have in possession with intent to sell, any imitation ice cream, ice cream substitute, or coated imitation ice cream, as defined in this act.

(b) It is unlawful for any person, association, partnership, or corporation, by himself, herself, itself, or themselves, or by his, her, or their agents, servants, or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell, any ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbets, ices, or fruit ices, which are not registered with the Department of Agriculture as required in this act. The possession of any such non-registered product shall be deemed *prima facie* evidence of an intent to sell the same.

(c) It is unlawful to import into this Commonwealth for sale, any ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice, or fruit ice, including coated ice cream unless the same are registered with and the manufacturer thereof has been licensed by the Department of Agriculture as provided in this act.

Section 3. Ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice, and fruit ice, and the coating thereof, shall be deemed to be adulterated within the meaning of this act:

First: If it contains boric acid, formaldehyde, saccharin, or any other added substance or compound that is deleterious to health.

Second: If it contains salts of copper, iron oxide, ochres, or any coloring substance deleterious to health; Provided, That this paragraph shall not be construed to prohibit the use of harmless coloring matter when not used for fraudulent purposes.

Third: If it contains any deleterious flavoring matter, or flavoring matter not true to name.

Fourth: If it contains any fats, oils, or paraffin, other than milk fats, added to, or blended, or compounded with it; Provided, however, That chocolate ice cream and the coating of coated ice cream may contain cocoa butter.

Fifth: If it is an imitation ice cream, ice cream substitute, or coated imitation ice cream, as defined in this act.

Sixth: If it is offered for sale from any container, compartment, or cabinet, which contains any article other than ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice, or fruit ice.

Seventh: If it falls below the standards, or any of them fixed for the particular product by the definition thereof contained in this act, or is falsely labeled, or labeled contrary to the provisions of this act.

Eighth: If it is manufactured under conditions not in conformity with the provisions of section five of this act.

Ninth: If it contains less than one and eight-tenths (1.8) pounds total food solids per gallon in the finished product, or weighs less than four and seventy-five hundredths (4.75) pounds per gallon,

or, if smaller units, shall contain a proportionate amount of total food solids of less than three and six-tenths (3.6) avoirdupois ounces per fluid pint, and weigh less than nine and five-tenths (9.5) avoirdupois ounces per fluid pint.

Section 4. It is unlawful for any person, association, partnership, or corporation, to sell, offer for sale, expose for sale, or have in possession with intent to sell, any ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbets, ices, or fruit ices, in any container which is falsely labeled, or branded, as to the name of the manufacturer thereof, or to misrepresent in any way the place of manufacture thereof, or to fail to place on each original container, or package, the name and address of said manufacturer, preceded by the words "manufactured by," or followed by the word "manufacturer."

It is unlawful for any person to use, or cause or allow to be used, any equipment, cabinet, can, or other container, belonging to one manufacturer for the purpose of preserving, or holding any ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice or fruit ice, manufactured by another manufacturer, or for any person, manufacturer, or employe, or agent of any manufacturer, to knowingly supply, or place, or deposit ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice, or fruit ice, of one manufacturer in any equipment, cabinet, can, or other container, belonging to another manufacturer. It is unlawful for any person other than the owner to remove, erase, obliterate, cover, or conceal, any manufacturer's or owner's name, insignia, device, or distinguishing mark, which may appear or be placed on any ice cream equipment, cabinet, can, or other container.

Section 5. Every ice cream plant shall be maintained and operated with strict regard for the purity and wholesomeness of the ice cream, sherbet and ice produced therein. The entire establishment and its appertaining premises, including fixtures, furnishings, machinery, apparatus, implements, utensils, receptacles, and all equipment used in the production, keeping, storing, handling or distributing, shall be maintained and operated in a clean sanitary manner. All equipment and utensils used in the production of ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, shall be thoroughly sterilized. The clothing, habits and conduct of the employes shall be conducive to and promote cleanliness and sanitation. There shall be proper, suitable and adequate toilets and lavatories and equipment for cleansing, constructed, maintained and operated in a clean and sanitary manner.

Section 6. It shall be the duty of every person, copartnership, association, and corporation, whether resident or non-resident of this Commonwealth, operating an ice cream plant, to apply to the Department of Agriculture for a license to do so, and to register with the department each and every brand of product produced or manufactured in such plant, on or before the first day of July, one thousand nine hundred and thirty-three, and thereafter before the

first day of January of each succeeding year, and pay to the department, at the time such application for registration and license is filed, an annual license fee, as follows:

For each ice cream plant producing annually not in excess of one hundred thousand (100,000) gallons, ten dollars (\$10.00); in excess of one hundred thousand (100,000) gallons and not in excess of two hundred and fifty thousand (250,000) gallons, fifty dollars (\$50.00); and in excess of two hundred and fifty thousand (250,000) gallons, one hundred dollars (\$100.00).

The license fee from the first day of July, one thousand nine hundred and thirty-three, to the first day of January, one thousand nine hundred and thirty-four, shall be one-half of the above amounts. The application for a license and registration shall be made on a form to be supplied by the department. The application shall have attached thereto the affidavit of the person, or of some member or officer of the association, copartnership, or corporation, applying therefor, stating that the facts set forth therein are true and correct.

From and after the first day of July, one thousand nine hundred and thirty-three, it shall be unlawful for any person to operate an ice cream plant unless the same is duly licensed in accordance with the provisions of this act.

Upon approval of application for registration and license and payment of required license fee, and also approval of sanitary conditions in an ice cream plant, the Department of Agriculture shall issue to each applicant a license or certificate of registration, which shall expire at the end of each calendar year, and which will authorize the operation of said plant for the calendar year, or portion thereof, for which a license or certificate of registration shall be issued.

Section 7. The Department of Agriculture is hereby authorized to revoke any license for cause, and where it shall be properly ascertained that the ice cream plants are not operated in a proper and sanitary condition as hereinbefore provided.

Section 8. The Department of Agriculture is charged with the enforcement of the provisions of this act.

The department is authorized to adopt and promulgate such rules and regulations as are necessary for the proper enforcement of the provisions of this act.

Section 9. (a) Any person, association, partnership, or corporation, violating any of the provisions of this act, or any rule or regulation of the Department of Agriculture made pursuant thereto, shall for the first or second offense, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) and costs of prosecution, or in default of such fine and costs, in the case of an individual, or the officers and members of an association, partnership, or corporation, to undergo an imprisonment in the county jail of not less than thirty (30) days, nor more than sixty (60) days, and for a third or subsequent offense shall be guilty of a misdemeanor, and sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00), or in the case of an individual, or the officers, and mem-

bers of an association, partnership, or corporation, to undergo an imprisonment not exceeding one year, or both, in the discretion of the court.

All fines and penalties imposed and recovered for the violation of any of the provisions of this act, shall be paid into the State Treasury, through the Department of Revenue, and credited to the General Fund.

(b) The Attorney General, at the request of the department, may, in the name of the Commonwealth, institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act, and, for such purpose, jurisdiction is hereby conferred upon said court. In such case, the Attorney General shall not be required to give bond.

Section 10. Nothing contained in this act shall be construed to apply to ice cream, and similar frozen products, manufactured and sold by social, fraternal, charitable, educational, religious, or beneficial organizations, nor to a farmer making and selling from the products of his farm, ice cream, custard, custard ice cream, french ice cream, french custard, frozen custard, sherbet, or ice, provided that the standards of purity and quality prescribed by this act are maintained in all cases of manufacture and sale permitted by the provisions of this section.

The provisions of this act shall not be construed to be impaired or in any way affected by the provisions of the act approved the second of July, one thousand nine hundred and thirty-five (Pamphlet Laws 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of, persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act, and imposing penalties," or its amendments.

Section 11. The act approved the twentieth day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, twenty-five), entitled "An act for the protection of public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, including coated ice cream and the coating thereof; fixing a standard of butter-fat for ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof," and the amendments thereto, are hereby repealed.

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 12. This act shall take effect on the first day of May, one thousand nine hundred and thirty-three.

APPROVED—The 5th day of June, A. D. 1937.

IMITATION DAIRY PRODUCTS IN CHARITABLE AND PENAL INSTITUTIONS LAW

Act of May 23, 1893, No. 65, P. L. 112.

AN ACT

To prohibit the use of any adulteration or imitation of dairy products in any charitable or penal institution, being supplementary to an Act, entitled "An Act for the protection of the public health and to prevent adulteration of dairy products and fraud in the sale thereof," approved May twenty-one, Anno Domini one thousand eight hundred and eighty-five.

Section 1. Be it enacted, &c., That it shall not be lawful for any charitable or penal institution in the State of Pennsylvania to use or furnish to its inmates any substance, the manufacture or sale of which is prohibited by section one of the act, entitled "An act for the protection of the public health and to prevent the adulteration of dairy products and fraud in the sale thereof," approved May twenty-first, Anno Domini one thousand eight hundred and eighty-five.*

* Section 1 of the act of May 21, 1885 (P. L. 22), referred to above, reads as follows:

"Section 1. Be it enacted, &c., That no person, firm or corporate body shall manufacture out of any oleaginous substance or any compound of the same, other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk, or cream from the same, or of any imitation or adulterated butter or cheese, nor shall sell, or offer for sale, or have in his, her or their possession with intent to sell the same as an article of food."

Section 2. That any officer, agent, steward or other official of any such charitable or penal institution, who shall knowingly buy any substance the manufacture and sale of which is prohibited by section one of the said act of May twenty-one, Anno Domini one thousand eight hundred and eighty-five, for use in such charitable or penal institutions, or who shall knowingly cause such substance to be used by the inmates of such charitable or penal institution, shall be deemed guilty of a misdemeanor, and, upon conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years for each offense, or either or both at the discretion of the court.

Section 3. Every person who shall knowingly sell or offer for sale, to any officer, agent, steward or other official of any charitable or penal institution, any substance, the manufacture or sale of which is prohibited by section one of the said act of May twenty-first, Anno Domini one thousand eight hundred and eighty-five, for use in such charitable or penal institution, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or either or both at the discretion of the court.

APPROVED—The 23rd day of May, A. D. 1893.

LARD LAW

Act of March 11, 1909, No. 11, P. L. 17.

AN ACT

To protect the public health, and prevent fraud and deception in the manufacture or sale of lard, lard substitutes, imitation lard, and lard compounds; providing penalties for the violation thereof, and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That no person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants or employes, shall within the State, manufacture, sell, offer for sale, expose for sale, or have in possession with intent to sell, lard which contains any ingredients other than the pure fat of swine, except as hereinafter provided.

Section 2. Imitation lard and lard substitutes, not containing any lard, may be made and sold, when offered for sale and sold under the distinctive trade-name thereof: Provided, however, That if said imitation lard or lard substitute is offered for sale or sold from a broken package, then the vessel, receptacle, or wrapper receiving the same, at the time of every sale, shall be plainly labeled or marked on the outside thereof, in letters at least one-half inch in length and plainly exposed to view, with the words "Imitation Lard" or "Lard Substitute," or the distinctive trade-name of the said article or substance: And provided further, That the said imitation lard or lard substitute shall not be composed of, or contain any article, substance, or ingredients deleterious to health.

Compounds composed of not less than fifty (50) per centum of pure lard, and other substance or substances not deleterious to health, may be made and sold, if the vessel, receptacle, or other wrapper receiving the same at the time of every sale thereof, is plainly marked or labeled on the outside thereof, in letters at least one-half inch in length and plainly exposed to view, with the words "Compound Lard."

Section 3. Any person, firm, or corporate body who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than fifty (\$50) dollars, nor more than one hundred (\$100) dollars.

Section 4. The Dairy and Food Commissioner shall be charged with the enforcement of the provisions of this act.

Section 5. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and, when so collected and paid, shall thereafter be, by the Dairy and Food Commissioner, paid into the State Treasury, for the use of the Commonwealth.

Section 6. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

APPROVED—The 11th day of March, A. D. 1909.

FRESH MEAT, POULTRY, GAME AND FISH LAW

Act of March 28, 1905, No. 46, P. L. 64.

AN ACT

To prohibit the selling, shipping, consigning, offering, for sale, exposing for sale, or having in possession with intent to sell, as fresh, any meat, poultry, game, fish, or shell fish which contains any substance or article possessing a preservative or coloring character or action; making the same a misdemeanor; and to prescribe penalties and punishment for violation, and the means and the methods of procedure for the enforcement thereof.

Section 1. Be it enacted, &c., That if any person, firm or corporate body shall, by himself, herself or themselves, or by his, her, or their or its agents or servants, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, as fresh, any meat, poultry, game, or shell fish which contains any substance, article or ingredient possessing a preservative character or action, or which contains any coal-tar dye, or any other substance or ingredient possessing a coloring character or action, shall be deemed guilty of a misdemeanor; and, upon conviction thereof in the court of quarter sessions of the peace of the proper county, shall be sentenced to pay a fine of not less than one hundred dollars nor more than two hundred dollars, and all costs, or to undergo an imprisonment in the county jail of not less than sixty days nor more than ninety days, or both, at the discretion of the court; and, upon conviction of any subsequent offense, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or be imprisoned not less than sixty days nor more than four months, or both or either, at the discretion of the court: Provided, That nothing in this section shall prohibit the use of ice as a preservative, or proper refrigeration.

Section 2. The Dairy and Food Commissioner shall be charged with the enforcement of all provisions of this act; and all penalties which may be recoverable, and all fines which may be paid, in any proceeding or proceedings to enforce the provisions of this act, shall be paid to the Dairy and Food Commissioner, or his agent, and by him paid into the State Treasury; and the money so paid shall constitute a special fund, for the use of the Dairy and Food Commissioner in enforcing this act, and may be drawn out upon warrants signed by the Dairy and Food Commissioner or Secretary of Agriculture, and approved by the Auditor General.

Section 3. All acts or parts of acts inconsistent with this act are hereby repealed; but the repeal of said acts shall in no way interfere with, or prevent the prosecution to final termination of, any action or prosecution now pending, or which may be hereafter commenced for any violation of said acts, which has already been committed.

APPROVED—The 28th day of March, A. D. 1905.

KOSHER PRODUCTS LAW

Act of March 28, 1929, No. 113, P. L. 105.

AN ACT

To prohibit false labels and misrepresentation in the sale of certain food products, and providing penalties for the violation thereof.

Section 1. Be it enacted, &c., That any one who shall hereafter sell or expose for sale, in any restaurant, or hotel, or other place, where food products are sold, any article of food falsely represented as kosher, either by direct statements orally or in writing, or by the display of the word "kosher" in English or Hebrew letters, or by the display of any sign or mark in simulation of such word, or by display of any insignia, six-pointed star, or any mark which might reasonably be calculated to deceive, or lead a reasonable person to believe, that a representation is being made that the food exposed for sale or sold is kosher, or prepared in accordance with orthodox Hebrew religious requirements; or any person who, with intent to defraud, hereafter sells or exposes for sale any meat or meat preparation, and falsely represents the same to be kosher, whether such meat or meat preparations be raw or prepared for human consumption, or as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements, or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word kosher in any language, or sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "Kosher and nonkosher meat sold here," or who exposes for sale, on any show window or place of business, both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, who fails to display over each kind of meat or meat preparation so exposed, a sign in block letters at least four inches in height reading "kosher meat" or "nonkosher meat," as the case may be, is guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment of not less than twenty days, or not more than six months, or both, at the discretion of the court.

Section 2. The act, approved the twenty-first day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand and sixty-three), entitled "An act prohibiting false labels and misrepresentation in the sale of certain food products, and providing penalties for the violations thereof," is hereby repealed.

All other acts and parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 28th day of March, A. D. 1929.

ADULTERATION OR COLORING OF MILK OR CREAM LAW

Act of June 10, 1897, No. 118, P. L. 142, as amended April 19, 1901, No. 59, P. L. 85.

AN ACT

To prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same.

Section 1. Be it enacted, &c., That if any person, firm, or corporate body, by himself, herself, or themselves, or by his, her or their agents or servants, shall offer for sale, expose for sale, sell, or have in possession with intent to sell, for human consumption, milk or cream to which has been added boracic acid salt, boracic acid, salicylic acid, salicylate of soda, formaline, formaldehyde, sodium fluoride, sodium benzoate, or any other compound or substance for the purpose of preserving or coloring the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than fifty nor more than one hundred dollars, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court. (Section 1, as amended April 19, 1901.)

Section 2. The agent of the Department of Agriculture, known as the Dairy and Food Commissioner, shall be charged with the enforcement of all the provisions of this act, and shall have all the power to enforce this act that is given him to enforce the provisions of the act by which he received his appointment.

Section 3. All penalties and costs for the violation of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and by him paid into the State Treasury, to be kept as a fund, separate and apart, for the use of the Department of Agriculture for the enforcement of this act, and to be drawn out upon the warrant signed by the Secretary of Agriculture and the Auditor General.

Section 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 10th day of June, A. D. 1897.

FILLED MILK LAW

Act of March 21, 1923, No. 20, P. L. 28, followed by supplement of June 29, 1923, No. 361, P. L. 929.

AN ACT

For the prevention of fraud and the protection of the public health; relating to milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, dried, powdered, or desiccated; prohibiting the introduction of foreign fats into them; regulating the sale of and defining condensed, concentrated and evaporated milk; stipulating penalties for the infraction thereof, and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That for the purpose of this act the definitions of condensed milk, evaporated milk, concentrated milk, is

the product resulting from the evaporation of a considerable portion of the water from milk, or from milk, with adjustment, if necessary, of the ratio of fat to non-fat solids by the addition or by the abstraction of cream it contains, all tolerances being allowed for not less than seven and eight-tenths per cent of milk-fat, nor less than twenty-five and five-tenths per cent of total milk solids: Provided, however, That the sum of the percentages of milk-fat and total milk solids be not less than thirty-three and seven-tenths per cent.

Section 2. It shall be unlawful for any person, firm, or body corporate, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employes, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any condensed, evaporated, or concentrated milk which shall not conform at least to the minimum standards set forth respectively in section one hereof, and, when contained in hermetically sealed cans, does not bear stamped or labeled thereon the name and address of the manufacturers or distributors thereof.

Section 3. It shall be unlawful for any person, firm, or body corporate, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employes, to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to or with which has been added, blended, or compounded any fats or oils, other than milk-fats, either under the name of said products or articles or the derivatives thereof, or if labeled under any fictitious coined or trade names whatsoever: Provided, however, That nothing in this act shall be construed as prohibiting the use of chocolate as a flavor.

Section 4. Any violation of the provisions of this act is hereby declared to be a misdemeanor, and any person, whether individually or as a member of a partnership or as a responsible agent or officer of an incorporate body, who shall be convicted of such violation, either on his own behalf or in the interest of a corporate body, shall be sentenced to undergo an imprisonment of not less than thirty (30) days nor more than sixty (60) days, or to pay a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or both.

Section 5. The Director of the Bureau of Foods shall be charged with the enforcement of the provisions of this act.

Section 6. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Director of the Bureau of Foods or his agent, and, when so collected and paid, shall thereafter be, by the Director of the Bureau of Foods, paid into the State Treasury for the use of the Commonwealth.

Section 7. Nothing in this act shall be construed to prohibit the shipment into this Commonwealth from a foreign state and the first sale thereof in this Commonwealth in the original package, intact and unbroken, of any of the products or articles the manufacture, sale, or exchange of which, or possession of which with intent to sell or exchange, is prohibited hereby.

Section 8. Should any section or any part of a section or sections hereof become or be declared to be inoperative or void for any cause or reason whatsoever, the remainder of this section or of such sections shall be and remain in full force and effect.

Section 9. This act shall become effective ninety days after its passage.

Section 10. All acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 21st day of March, A. D. 1923.

FILLED MILK LAW SUPPLEMENT

Act of June 29, 1923, No. 361, P. L. 929.

A SUPPLEMENT

To an act, approved the twenty-first day of March, one thousand nine hundred twenty-three, entitled "An Act for the prevention of fraud and the protection of the public health; relating to milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, dried, powdered, or desiccated; prohibiting the introduction of foreign fats into them; regulating the sale of and defining condensed, concentrated, and evaporated milk; stipulating penalties for the infraction thereof; and providing for the enforcement thereof;" defining condensed, concentrated, and evaporated, skimmed milk, and compounds thereof; regulating the manufacture, sale, and exchange thereof; and providing penalties.

Section 1. Be it enacted, &c., That for the purpose of this act, condensed, concentrated, and evaporated skimmed milk is defined as the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and shall contain, all tolerances allowed, at least twenty (20%) per centum of total milk solids, or, if sugar has been added, at least twenty-eight (28%) per centum of total milk solids, and shall include compounds of any kind containing skimmed milk.

Section 2. It is unlawful for any person, firm, or corporation to manufacture, sell, or exchange, or have in possession with intent to sell or exchange, any condensed, concentrated, or evaporated skimmed milk, or any compound of any kind containing skimmed milk, whether with or without the addition of sugar, in hermetically sealed cans or receptacles, unless such can or receptacle shall contain at least five pounds net weight, and shall have plainly marked, printed, or indicated thereon the words, "Concentrated Skimmed Milk, Unsweetened," or "Concentrated Skimmed Milk, Sweetened," as the case may be, and immediately thereunder the words "Unfit for Infants," which required words shall be printed in dark block type at least one-half inch in height and one-half inch in width upon a light colored background, which required words shall be within a surrounding line at least one-sixteenth inch in width, and no other matter whatsoever shall be printed or appear within such surrounding line, and where the size of the can or receptacle will permit, the foregoing words within the designated surrounding line are to be shown on the label

twice on opposite sides at equidistant points. The name and address of the manufacturer or distributor thereof shall also appear, but not within the surrounding line.

It is unlawful for any person, firm, or corporation to manufacture, or sell or exchange, or have in possession with intent to sell or exchange, any condensed, concentrated, or evaporated skimmed milk labeled under any fictitious or coined or trade name whatsoever.

It is unlawful for any person, firm, or corporation to manufacture, or sell or exchange, or have in possession with intent to sell or exchange, any condensed, concentrated, or evaporated skimmed milk, unless the same conforms in all respects with condensed, concentrated, or evaporated skimmed milk as hereinbefore defined.

Section 3. Any violation of the provisions of this act is hereby declared to be a misdemeanor, and any firm or corporation or person, whether individually or as a member of a firm, or a responsible agent or officer of a corporation, which or who shall be convicted of such violation, shall, for every such offense, be subject to the penalties provided for in the act to which this is a supplement.

APPROVED—The 29th day of June, A. D. 1923.

MILK CONTAINER LAW

Act of March 26, 1925, No. 52, P. L. 83.

AN ACT

For the protection of public health by regulating the serving of milk for drinking purposes to patrons of hotels, restaurants, lunch-rooms, fountains, and dining-cars; and providing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for the owner or lessee of any hotel, restaurant, lunch-room, fountain or dining-car, or his, her or its agents, servants, or employes to sell or serve milk for drinking purposes to his, her or its patrons unless such milk is served and sold in the original bottle or similar original container in which milk is supplied to the said hotel, restaurant, lunch-room, fountain, or dining-car.

It shall be unlawful hereafter to serve milk to the patrons of any hotel, restaurant, lunch-room, fountain, or dining-car by the glass from bulk.

It shall be unlawful for the owner or lessee of any hotel, restaurant, lunch-room, fountain, or dining-car, or his, her, or its agents, servants, or employes to serve milk for drinking purposes to his, her, or its patrons unless said milk complies with the standards for milk fixed by the laws of the Commonwealth.

Section 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars, or imprisonment for not less than thirty (30) days nor more than ninety (90) days, or either or both, at the discretion of the court.

Section 3. Nothing contained in this act shall be construed to prevent or prohibit the owner or lessee of any hotel, restaurant, lunch-room, fountain, or dining-car, or other person from purchasing milk in bulk for uses other than for serving patrons with milk for drinking purposes, nor to prevent the sale and serving of cream, skimmed milk, or buttermilk from bulk if the same is pure and wholesome and is sold and served as cream, skimmed milk, or buttermilk, nor shall it prevent or prohibit the sale of mixed drinks at soda fountains.

Section 4. The Department of Agriculture shall be charged with the enforcement of this act.

Section 5. All fines imposed and recovered for violation of any of the provisions of this act shall be paid to the Department of Agriculture or its agent, and when so collected and paid shall thereafter be, by the Department of Agriculture, paid into the State Treasury for the use of the Commonwealth.

Section 6. All acts and parts of acts inconsistent with this act are repealed.

Section 7. This act shall take effect and be in force sixty days after the date of its approval.

APPROVED—The 26th day of March, A. D. 1925.

MILK AND CREAM LAW

Act of June 8, 1911, P. L. 712, as amended June 2, 1915, No. 337, P. L. 735.

AN ACT

Relating to milk; providing for the protection of the public health, and the prevention of fraud and deception, by regulating the sale of milk, skimmed milk and cream; providing penalties for the violation thereof; and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself, or themselves, or by his, her, its or their agents, servants or employes to sell, offer for sale, expose for sale, or have in possession with intent to sell, milk which contains any added water, or milk which has had the butter-fat or any portion thereof removed therefrom, or milk to which has been added any substance for the purpose of increasing its consistency or thickness, or milk which contains less than three and one-quarter ($3\frac{1}{4}$) per centum of butter-fat and less than twelve (12) per centum of milk solids: Provided, however, That skimmed milk when clean and wholesome, may be sold, if sold as skimmed milk.

Section 2. That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants, or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell, cream which contains

or is mixed with any added condensed or evaporated milk or cream, or cream to which has been added any substance for the purpose of increasing its consistency or thickness, or cream which contains less than eighteen (18) per centum of butter-fat: Provided, That cream, when it contains or is mixed with any added condensed or evaporated milk or cream, may be sold, if the vessel or container in which such cream is sold is plainly labeled, stating the fact that such cream contains or is mixed with added condensed or evaporated milk or cream, and the amount thereof.

Section 3. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five (\$25) dollars, nor more than fifty (\$50) dollars or imprisonment for not less than thirty (30) days, nor more than ninety (90) days, or either or both, at the discretion of the court.

If a person accused of violating section one of this act shall furnish satisfactory affidavit that nothing has been added to or taken from the milk in question, which is otherwise pure and wholesome, and is not below three (3) per centum of butter-fat, the Dairy and Food Commissioner shall file said affidavit with the record; and no prosecution shall be instituted against said person. This provision shall not apply to, or in any way affect, samples of milk purchased or obtained prior to the approval of this act. (Section 3, as amended June 2, 1915.)

Section 4. That the Dairy and Food Commissioner shall be charged with the enforcement of the provisions of this act.

Section 5. That all fines and penalties imposed and received for the violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and when so collected and paid shall thereafter be, by the Dairy and Food Commissioner, paid into the State Treasury, for the use of the Commonwealth.

Section 6. This act shall not apply to nor in any way affect the act, entitled "An act to prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-seven, and the amendment thereto, approved the nineteenth day of April, Anno Domini one thousand nine hundred and one, entitled "An act to amend the first section of an act, entitled 'An act to prohibit the adulteration or coloring of milk and cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same,' approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-seven,"—which act shall remain in full force; but all other acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

APPROVED—The 8th day of June, A. D. 1911.

OLEOMARGARINE LAW

Act of May 29, 1901, No. 208, P. L. 327, as amended June 5, 1913, No. 273, P. L. 412, followed by supplement of May 10, 1921, No. 220, P. L. 467.

AN ACT

To prohibit the manufacture and sale of oleomargarine, butterine, and other similar products, when colored in imitation of yellow butter; to provide for license fees to be paid by manufacturers, wholesale and retail dealers, and by proprietors of hotels, restaurants, dining rooms, and boarding houses; for the manufacture or sale of oleomargarine, butterine, or other similar products, not colored in imitation of yellow butter; and to regulate the manufacture and sale of oleomargarine, butterine, or other similar products, not colored in imitation of yellow butter, and prevent and punish fraud and deception in such manufacture and sale as an imitation butter; and to prescribe penalties and punishment for violation of this Act, and the means and method of procedure for its enforcement, and regulate certain matters of evidence in such procedure.

Section 1. Be it enacted, &c., That no person, firm, or corporation shall, by himself, herself, or themselves, or by his, her, or their agent or servant, nor shall any officer, agent, servant, or employe of any person, firm, or corporation, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine, butterine, or any similar substance, article, product, or compound, made wholly or partly out of any fats, oils, or oleaginous substances, or compound thereof, not produced from pure, unadulterated milk, or cream from the same, without the admixture or addition of any fat foreign to the said milk or cream, and which shall be in imitation of yellow putter, produced from pure, unadulterated milk, or cream of the same, with or without coloring matter, unless such person, firm, or corporation shall have first obtained a lieense and paid a license fee as hereinafter provided; nor unless the said article, product, or compound, so manufactured, shipped, consigned, offered for sale, exposed for sale, or had in possession with intent to sell, shall be made and kept free from all coloration or ingredients causing it to look like butter of any shade of yellow, as hereinafter described; nor unless the same shall be kept and presented in a separate and distinct form, and in such manner as will advise the purchaser and consumer of its real character; nor unless such person, firm, or corporation shall, in all other respects, comply with and observe the provisions of this act. For the purpose of this act, oleomargarine, butterine, or similar substance, shall be deemed to look like, be in resemblance of, or in imitation of butter of a shade of yellow, when it has a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, as measured in the terms of the Lovibond tintometer scale, or its equivalent. (Section 1, as amended June 5, 1913.)

Section 2. Every person, firm or corporation, and every agent of such person, firm, or corporation, desiring to manufacture, sell, or offer or expose for sale, or have in possession with intent to sell, oleomargarine, butterine, or any similar substance, not made or colored so as to look like yellow butter, shall make application for a license so to do, in such form as shall be prescribed by the Department of Agriculture, through its agent, the Dairy and Food Commissioner,

which application, in addition to other matters which may be required to be stated therein by said Dairy and Food Commissioner, shall contain an accurate description of the place where the proposed business is intended to be carried on, and the name and style under which it is proposed to conduct the said business. If the said application is satisfactory to the said Dairy and Food Commissioner, and said name and style shall not, in the judgment of the Dairy and Food Commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on, he shall issue to the applicant or applicants a license, authorizing him, her, or them to engage in the manufacture or sale of oleomargarine, or butterine, or any similar substance, which shall not contain any coloration or ingredient that causes it to resemble yellow butter; for which said license the applicant or applicants shall first pay: If a manufacturer, the annual sum of one thousand dollars; if a wholesaler, the annual sum of five hundred dollars, and if a retailer, the annual sum of one hundred dollars; if a proprietor of a hotel, restaurant, or dining room, the annual sum of fifty dollars; and if the proprietor of a boarding-house, the annual sum of ten dollars; and the said license fee when received by the Dairy and Food Commissioner, or his agent, shall be by him immediately covered into the State Treasury. Such licenses shall not authorize the manufacture or sale, exposing for sale, or having in possession with intent to sell, oleomargarine, butterine, or any similar substance, at any other place than that designated in the application and license; and the said license shall not authorize the manufacture, sale, exposing for sale, or having in possession with intent to sell, any oleomargarine, butterine, or any similar substance, made or colored so as to look like yellow butter, as herein provided.

All licenses under this act shall expire on the thirty-first day of December of each year; but licenses may be granted to commence on the first day of any month for the remainder of the year, upon the payment of a proportionate part of the annual license fee; such licenses may be transferred by the Dairy and Food Commissioner, upon the application in writing of the person, firm, or corporation to which the same has been granted: Provided, That transferee shall comply with the regulations made by the said Dairy and Food Commissioner in regard to the said transfer, and shall thereafter comply with the provisions of this act.

Wholesale dealers, within the meaning of this act, shall be all persons, firms, and corporations who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms, and corporations who make sales in quantities of ten pounds and over at any time; and retail dealers shall be all persons, firms, and corporations who shall sell in quantities less than ten pounds. (Section 2, as amended June 5, 1913.)

Section 3. After obtaining the license required by this act, the person, firm, or corporation obtaining the same shall, before beginning any business under the said license, hang up and display, in a conspicuous place, on the walls of the room or store in which the oleomargarine, butterine, or other similar substance is manufactured, sold or exposed for sale, the license so obtained as aforesaid; and shall also procure from the Department of Agriculture, through the Dairy

and Food Commissioner, a sign or signs which in number, size and lettering shall be as the Dairy and Food Commissioner shall direct, and which shall be uniform throughout the Commonwealth, clearly setting forth that he, she or they are engaged in the manufacture or sale of oleomargarine; which said sign or signs, when procured, shall be hung up in a conspicuous place or places on the walls of every room or store in which the oleogargarine, butterine, or other similar substance is manufactured or sold. And in addition to such sign or signs, so hung up as aforesaid, every proprietor of a hotel, restaurant, dining-room or boarding-house, shall also have conspicuously placed, upon every counter or table at which food, meals or refreshments are served to customers, a placard plainly printed, in letters not less than one-half inch in length, stating that oleogargarine is used and served to customers.

Section 4. It shall be unlawful for any person, firm, or corporation, or any agent thereof, to sell, or offer or expose for sale, or have in possession with intent to sell, any oleomargarine, butterine, or similar substance, not in imitation of yellow butter, which is not marked and distinguished, on the outside of each tub, package or parcel thereof, in a conspicuous place, by a placard with the word "OLEOMARGARINE" printed thereon; such placard to be placed in a conspicuous position, in full view of the purchaser, and the said word "OLEOMARGARINE" on such placard shall be printed in plain, uncondensed, Gothic letters, not less than one inch long, and such placard shall not contain any other words thereon. And there shall also be displayed upon every open tub, package or parcel containing such oleogargarine, butterine, or similar substance, not in imitation of yellow butter, in the same manner, in a conspicuous position, a placard with the word "OLEOMARGARINE" printed thereon, in the same form as above described in this section; and when oleomargarine, butterine, or other similar substance not in imitation of yellow butter, is sold from such tub or package, or otherwise, at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers, plainly stamped on the outside thereof with the word "OLEOMARGARINE," printed or stamped thereon in letters one-fourth inch square; and said wrapper shall also contain the name and address of the seller and the quantity sold, and no other words thereon, and the said word "OLEOMARGARINE," so stamped or printed on the said wrapper, shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

Section 5. Every licensed manufacturer of oleomargarine, butterine, or other similar product, not in imitation of yellow butter, and every licensed wholesale dealer therein, shall keep a book in which shall be entered accurately every sale and shipment of oleomargarine, butterine, or other similar substance, not in imitation of yellow butter; giving the date of sale and shipment, the quantity, the person to whom sold and shipped, the place to which shipped, and the name of the transportation line by which shipped; which book shall always be open to the examination of the Dairy and Food Commissioner, his agents, attorneys, and representatives. Every licensed retail dealer in oleomargarine, butterine, or similar substance, not in imitation of yellow butter, shall keep an accurate account, in a book open

to the examination of the Dairy and Food Commissioner, his agents, attorneys, and representatives, in which shall be entered the date of the receipt of all purchases of oleomargarine, butterine, or any similar substance, made by such retail dealer; stating therein where, when and from whom purchased, and the quantity; and the said books, so to be kept by manufacturers, wholesale and retail dealers, shall be in such form as the Dairy and Food Commissioner shall direct.

Section 6. Every person, firm, or corporation, and every officer, agent, servant and employe of such person, firm, or corporation, who shall manufacture, sell or offer, or expose for sale, or have in possession with intent to sell, oleogargarine, butterine, or any similar substance, in violation of any of the provisions of this act; or who shall sell oleomargarine, butterine, or any similar substance, as or for butter; or shall fail to keep a book, in accordance with the last preceding section; or who shall, in any other respect violate any of the provisions of this act, shall for every offense forfeit and pay the sum of one hundred dollars, which shall be recoverable, with the costs, including the expense of analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth shall have jurisdiction to hear and determine all actions for recovery of said penalties, with the right to either party to appeal to the court of common pleas, as provided in existing laws in suits for penalties. And all penalties and costs imposed and recovered under the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agents, and by him immediately covered into the State Treasury, to be paid out and used as hereinafter provided.

Section 7. In addition to the above penalty, every person, firm, or corporation, and every officer, agent, servant or employe of such person, firm, or corporation, who violates any of the provisions of this act shall also be guilty of a misdemeanor; and upon conviction thereof, shall be punished for the first offense by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not more than three months, or both, at the discretion of the court; and upon conviction of any subsequent offense, shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, and by imprisonment in the county jail for not less than six months nor more than twelve months.

Section 8. In any proceeding under this act, either for the collection of a penalty or a prosecution for a misdemeanor, the certificate of the Dairy and Food Commissioner and the Secretary of Agriculture, under the seal of the Department of Agriculture, shall be accepted by justices of the peace, aldermen, and courts of record, as evidence of the granting of licenses to manufacture or sell oleomargarine or butterine, or of the fact that no such license has been granted to any particular person, firm, or corporation.

Section 9. Whenever a suit for the collection of a penalty, under the provisions of this act, shall be appealed to any court of record, or whenever any prosecution for a misdemeanor on account of any violation of the provisions of this act has been returned to any court of quarter sessions, it shall be lawful for the Dairy and Food Com-

missioner, his agents or attorneys in case the person or persons who have been sued for such penalty, or prosecuted for such misdemeanor, have since the commencement of such suit or prosecution again violated any of the provisions of this act, to apply to the court, having jurisdiction of such appeal or of such prosecution, or to any law judge thereof, by petition, setting forth the facts, and asking the said court to make an order commanding and restraining the person or persons, so sued or prosecuted as aforesaid, from further violating any of the provisions of this act until such time as the said suit for penalty or the said prosecution shall have been finally decided and determined; and thereupon the said court, or any law judge thereof, after such notice to such person or persons, so sued or prosecuted as aforesaid, as to the said court or judge may appear proper, and after inquiry into the facts alleged in said petition, shall, if satisfied that any violation of the provisions of this act has been committed by such person or persons since the commencement of said suit or prosecution, make an order commanding and restraining the said person or persons from any further violation of the provisions of this act until such time as the said suit or prosecution shall have been finally decided and determined; and in case, upon the final determination of said suit or prosecution, it shall appear that the said person or persons had incurred the liability to payment of the penalty for which suit had been so brought, or has been duly convicted of a misdemeanor in the prosecution so commenced as aforesaid, the said court or law judge thereof shall make the aforesaid order, restraining the said person or persons from the further violation of the provisions of this act continuing and permanent; and any violation by any person or persons of any such restraining order of such court or judge, whether the said restraining order shall be made during the pendency of a suit for penalty or of a prosecution as above stated, or after the final determination of such suit or prosecution in the manner aforesaid, shall be punishable as a contempt of the court so making the said order; and the said court is hereby authorized to take such steps for the punishment of such contempt as may by law be now taken for disregarding any injunction or other order of the courts of common pleas of this Commonwealth, sitting in equity and exercising equity jurisdiction. No security shall be required on the part of the petitioner for such restraining order and the costs of the application and subsequent proceedings thereon shall be in the discretion of the court.

Section 10. It shall be the duty of every constable in any city, borough, ward or township of this Commonwealth, having knowledge of any violation of this act, or whenever requested so to do by the Dairy and Food Commissioner, his agent, or attorney, or by any citizen of this Commonwealth, to make report to the court of quarter sessions of the proper county, as part of his quarterly report and return to said court, of the name of every person, firm, or corporation known by him to have violated any of the provisions of this act, or alleged by the person so giving notice as aforesaid to said constable to have violated any of the provisions of this act, and of the names of all witnesses furnished to said constable, whose testimony it is alleged will sustain or prove the fact of such violation; and it shall be the duty of the judge of the said courts to make inquiry of all constables, at the time of the making of their quarterly returns to the

court of quarter sessions, as to whether they have knowledge, and whether notice has been given to them, respectively, of any violation of this act, in accordance with the terms of this section; and whether such quarterly reports shall contain the name of any person alleged to have violated the provisions of this act, together with the names of witnesses to prove such violations, as also the name of the person giving notice to the constable as aforesaid, the said court shall direct the district attorney to prepare an indictment against every person so named, and call and send the witnesses, whose names have been so returned, before the grand jury then sitting, in support of the said indictment; and if a true bill shall be returned by the grand jury, thereupon to issue summary process to bring in the person so charged to answer the matters alleged in such prosecution and thereupon proceed to trial as speedily as possible, according to the course of practice in the said court of quarter sessions.

Section 11. The Dairy and Food Commissioner shall be charged with the enforcement of all provisions of this act; but any citizen of the Commonwealth, having knowledge or information of the violation of any of the provisions of this act, may, in the name of the Commonwealth, begin a suit for penalty or prosecution for misdemeanor, in accordance with the provisions of this act, and may prosecute to final judgment any such suit or prosecution, giving notice in writing, however, to the Dairy and Food Commissioner of the commencement of such suit or prosecution, immediately upon the commencement of the same, stating the nature of the proceeding and the magistrate before whom commenced; and shall, in like manner, report to the Dairy and Food Commissioner each successive step taken in such suit or prosecution; and such citizen shall, upon complying with the provisions of this section, be entitled to receive one-half of any penalty or fine which may be recovered in such proceeding and paid to the Dairy and Food Commissioner; and immediately upon the receipt and covering into the treasury of any such penalty or fine, recovered and paid in any proceeding commenced by a citizen as aforesaid, the Dairy and Food Commissioner shall pay the one-half thereof to the said citizen, so commencing said proceedings and complying with the provisions of this section. Such citizen shall also be entitled to recover from the defendant his witness fees and other legal costs as fixed by law, in said proceeding.

Section 12. The money paid into the Treasury under the provisions of this act shall constitute a special fund, for the use of the Department of Agriculture in enforcing this law; and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General, subject however, to the payment to any citizen commencing and successfully prosecuting a proceeding for any violation of this act, under the last preceding section, of one-half of the penalty or fine so recovered in such proceeding and paid into the State Treasury.

Section 13. The Dairy and Food Commissioner, his assistants, agents, experts, chemists, detectives and counsel, duly appointed by him for the purpose, shall have full access, egress and ingress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any

dairy products, or of any adulteration or imitation thereof, and shall also have power and authority to open any package, can or vessel containing, or which may be supposed to contain, oleomargarine, butterine, or other similar substances or any adulteration or imitation of butter, which may be manufactured, sold or exposed for sale in violation of any of the provisions of this act, or of any act which may be hereafter enacted in relation to butter or the adulteration or imitation thereof; and they shall also have power to take from such package, can or vessel samples for analysis, upon paying or tendering the value of such samples.

Section 14. The Dairy and Food Commissioner shall publish a semi-annual bulletin, and distribute the same in the same manner as other bulletins of the Department of Agriculture are published and distributed; which semi-annual bulletin shall contain the name and address of every person, firm, or corporation to whom a license has been issued for the manufacture or sale of oleomargarine, butterine, or other similar substance; and, also, a tabulated statement of all the actions, civil or criminal, which have been brought for the violation of this act, giving the name and address of the defendant, and the disposition of every such case.

Section 15. All acts or parts of acts inconsistent with this act are hereby repealed; but the repeal of said acts shall not in any way interfere with, or prevent the prosecution to final termination of, any actions, civil or criminal, now pending or which may hereafter be commenced, for any violation of said acts which has already been committed.

APPROVED—The 29th day of May, A. D. 1901.

OLEOMARGARINE LAW SUPPLEMENT

Act of May 10, 1921, No. 220, P. L. 467.

A SUPPLEMENT

To an Act, approved the twenty-ninth day of May, one thousand nine hundred and one (Pamphlet Laws, three hundred twenty-seven), entitled "An Act to prohibit the manufacture and sale of oleomargarine, butterine, and other similar products, when colored in imitation of yellow butter; to provide for license fees to be paid by manufacturers, wholesale and retail dealers, and by proprietors of hotels, restaurants, dining rooms, and boarding-houses; for the manufacture or sale of oleomargarine, butterine, or other similar products, not colored in imitation of yellow butter; and to regulate the manufacture and sale of oleomargarine, butterine, or other similar products, not colored in imitation of yellow butter, and prevent and punish fraud and deception in such manufacture and sale as an imitation butter; and to prescribe penalties and punishment for violations of this Act, and the means and the method of procedure for its enforcement, and regulate certain matters of evidence in such procedure," by regulating advertisements and designations relating to oleomargarine or butterine; prohibiting the use of certain words in or in connection with such advertisements; and providing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for a person, copartnership, association, or corporation, or for any agent servant, or employe of such person, or for any member, agent, servant, or employe of any such copartnership or association, or for any officer, director, agent, servant, or employe of any such corporation, to advertise, for any purpose whatsoever, in any newspaper, periodical, or magazine, or upon any handbill, or sign, or upon any billboard or by signs or otherwise in or upon or in connection with any premises, or to advertise or designate upon any package, carton, tub or other container, any substance, article, product, or compound, made wholly or partly out of any fats, oils, or oleaginous substances, or compound thereof, designated under the laws of the Commonwealth as oleomargarine or butterine, unless such advertisement or designation shall distinctly and clearly set forth the character of such substance, article, products, or compound by the use of the word oleomargarine or the word butterine; and it shall be unlawful to use, in any such advertisement or designation on or in connection therewith, the word "butter" or any word such as "Holstein," "Jersey," or "Guernsey," or any other word which is commonly used as designating a known breed of cows.

Section 2. Every person, copartnership, association, or corporation, and every officer, member, agent, and employe of such person, copartnership, association, or corporation, violating any of the provisions of this act, shall, for every such offense, be subject to the penalties provided for in the act to which this is a supplement.

APPROVED—The 10th day of May, A. D. 1921.

OYSTER LAW

Act of March 17, 1925, No. 20, P. L. 34.

AN ACT

Regulating the sale of oysters at retail.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, copartnership, association, or corporation, or his, her, or its servants, agents, or employes, to sell oysters at retail, in any manner whatsoever, except by numerical count: Provided, however, That this act shall not apply to oysters sold at retail when in unopened, sealed, original containers in which they are shipped in interstate commerce.

Section 2. Any person, copartnership, association, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five (\$25) dollars, nor more than one hundred (\$100) dollars, or, in case of individuals, to undergo an imprisonment of not less than thirty (30) days, nor more than sixty (60) days, or both.

Section 3. The Department of Agriculture shall be charged with the enforcement of this act.

Section 4. All fines imposed and recovered for the violation of any of the provisions of this act shall be paid to the Department of Agriculture or its agents, and when so collected and paid shall thereafter be, by the Department of Agriculture, paid into the State Treasury for the use of the Commonwealth.

Section 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Section 6. This act shall take effect and be in force sixty days after the date of its approval.

APPROVED—The 17th day of March, A. D. 1925.

SAUSAGE LAW

Act of April 1, 1911, P. L. 51, as amended by the Act of July 10, 1919, P. L. 899, and by the Act of July 1, 1937, No. 532, P. L. 2670.

AN ACT

Providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof; further regulating the adulteration of sausages; changing the penalties prescribed; and providing for injunctions in certain cases.

Section 1. Be it enacted, &c., That it shall be unlawful for any person or persons, by himself, herself, or themselves, or by his, her, or their agents, servants or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell, sausage that is adulterated within the meaning of this act.

Section 2. Defining sausage. That, for the purpose of the act, sausage or sausage-meat shall be held to be a comminuted meat from neat cattle or swine, or a mixture of such meats, either fresh, salted, pickled or smoked, with added salt and spices, and with or without the addition of edible animal fats, blood and sugar, or subsequent smoking. It shall contain no larger amount of water than the meats from which it is prepared contain when in their fresh condition.

Section 3. That for the purpose of this act, sausage shall be deemed to be adulterated:

First. If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter, excepting such water and ice as may be added for the purpose of facilitating grinding, chopping, and mixing, and which shall in no case exceed seven per centum as determined by the methods prescribed by the Department of Agriculture.

Second. If it contains any cereal, vegetable flour, vegetable product, milk powder, or cracklings.

Third. If it contains any coal-tar dye, or any added vegetable coloring, boric acid, or borates, sulphites, sulphur dioxide, sulphurous acid, or any other substances injurious or deleterious to health.

Fourth. If it contains any diseased, contaminated, filthy, or decomposed substance; or is manufactured, in whole or in part, from a diseased, contaminated, filthy, or decomposed substance, or a substance produced, stored, transported, or kept, in a way or manner that would render the article diseased, contaminated, or unwholesome; or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter.

Section 4. (a) That any person who shall violate any of the provisions of this act, or any rule, regulation, or order of the Department of Agriculture made pursuant to this act, shall, for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than fifty (\$50) dollars, nor more than two hundred (\$200) dollars, and costs of prosecution, and in default of payment of such fine and costs, shall be sentenced to undergo an imprisonment in the county jail of not less than thirty (30) days, nor more than sixty (60) days and, for a third or subsequent offense, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred (\$500) dollars, nor more than one thousand (\$1000) dollars, or to undergo imprisonment not exceeding one year, or both, or either, at the discretion of the court.

(b) The Attorney General at the request of the Department of Agriculture, may, in the name of the Commonwealth, institute proceedings in equity in the Court of Common Pleas of Dauphin County, for the purpose of enjoining the sale within the Commonwealth, of any sausage adulterated under the provisions of this act, and for such purpose jurisdiction is hereby conferred upon said court. In such cases, the Attorney General shall not be required to give bond.

Section 5. That the Department of Agriculture shall be charged with the enforcement of the provisions of this act.

Section 6. That all fines and penalties imposed and recovered for the violation of any of the provisions of this act, shall be paid into the State Treasury, through the Department of Revenue, and credited to the General Fund.

APPROVED—The 1st day of July, A. D. 1937.

VINEGAR LAW

Act of June 18, 1897, No. 140, P. L. 168, as amended May 21, 1901, No. 183, P. L. 275, and July 11, 1917, No. 300, P. L. 795.

AN ACT

Providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same.

Section 1. Be it enacted, &c., That from and after the passage of this act no person, firm, or corporate body shall manufacture for sale, offer for sale or expose for sale, sell or deliver, or have in his, her or their possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice, or vinegar not made exclusively of said apple cider, or vinegar in which foreign substances, drugs or acids shall have been introduced, as may appear upon proper tests; no vinegar shall be branded fruit vinegar unless the same be made wholly from grapes, apples or other fruits: Provided, That apple or cider vinegar may be sold which has been reduced to a strength of not less than four per centum, by weight, of acetic acid by the addition of pure water, if the cask, barrel, keg, or package containing such vinegar shall be plainly and distinctly marked or branded to conform to the actual contents thereof. (Section 1, as amended May 21, 1901 and July 11, 1917.)

Section 2. All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made, and all vinegar made wholly or in part from distilled liquor shall be branded as "distilled vinegar," and all such distilled vinegar shall be free from coloring matter, added before, during or after distillation, and from color other than that imparted to it by the process of distillation, and shall contain not less than four per centum, by weight, of absolute acetic acid. And all vinegar shall be made wholly from the fruit or grain from which it is represented to be made, and shall contain no foreign substance: Provided, That this shall not be construed to prohibit the use of such an amount of spices as are necessary for flavoring, provided such spices do not color the vinegar. (Section 2, as amended May 21, 1901.)

Section 3. No person, firm, or corporate body shall manufacture for sale, offer for sale, or have in his, her or their possession with intent to sell or expose for sale any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be plainly and distinctly marked on each head of the cask, barrel or keg containing such vinegar, or if sold in other packages, each package shall be plainly and distinctly marked with the name and residence of the manufacturer, together with the brand required in section two thereof.

Section 4. Every person, firm, or corporate body who shall violate any of the provisions of this act shall, for every such offense, forfeit and pay not less than fifty dollars nor more than one hundred dollars, which shall be recoverable, with costs, including expense of inspection and analysis, by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable: Provided, That the Department of Agriculture, through its officer known as the Dairy and Food Commissioner, together with the deputies, agents and assistants, shall be charged with the enforcement of this act, and shall have full access to all places of business, factories, mills, buildings, carriages, cars, vessels, barrels, tanks and packages of whatever kind used in the manufacture and transportation and sale of any vinegar, or of any adulteration or imitation thereof, or any package in which vinegar is mixed with articles of food. They shall also have power and authority to open any package, barrel or vessel containing any vinegar, or any adulteration or imitation thereof, which may be manufactured, sold or exposed for sale, and they shall also have full power and authority to take the samples therefrom for analysis upon tendering the value of said samples. And all charges, accounts and expenses of the Department for the enforcement of this act, through the said Commissioner and his deputies, agents, assistants, chemists, and counsel employed by him in carrying out the provisions of this act, shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the said Department are paid. And all penalties and costs for the violation of the provisions of this act shall be paid to the said Dairy and Food Commissioner, or his agents, and by him immediately covered into the State Treasury, to be kept as a fund for the use of the Department, and to be drawn out upon the warrant signed by the Secretary of Agriculture and the Auditor General.

Section 5. Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten or more than thirty days, or both fine and imprisonment for the first offense, and a fine of one hundred dollars and imprisonment for thirty days for every subsequent offense: Provided, That all fines and costs, including the expense of inspection and analysis imposed under this action, shall be covered into the State Treasury as provided by section four of this act, and all vinegar sold or offered for sale in violation of the provisions of this act shall be subjected to forfeiture and spoilation.

Section 6. Magistrates and justice of the peace throughout this Commonwealth shall have jurisdiction to hear and determine actions arising for violations of the provisions of this act, and to hold for court, or impose the penalties provided therein, subject to appeal as the law shall direct.

Section 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 18th day of June, A. D. 1897.

